



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice June 12, 2017**

The Arlington Redevelopment Board will meet Monday, June 12, 2017 at 7:30 PM in the **Town Hall Annex, Second Floor Conference Room, 730 Massachusetts Ave. Arlington, MA. 02476**

**1. Public Hearing for EDR Special Permit Docket #3531, 887 Mass. Ave.**

7:30-8:30 p.m. The Board will review and vote on an application from Carowell, LLC. for a Mixed-Use Building with 3000 sf of retail space and 4 dwelling units.

**2. Zoning Bylaw Recodification – 1st Reading Bylaw Update**

7:30-9:10 p.m. Board member will discuss Environmental Design Review and Signs.

**3. Approval of Meeting Minutes from May 15, 2017**

9:10-9:15 p.m. Approval of Meeting Minutes from May 15, 2017



## Town of Arlington, Massachusetts

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### Public Hearing for EDR Special Permit Docket #3531, 887 Mass. Ave.

#### Summary:

7:30-8:30 p.m.

The Board will review and vote on an application from Carowell, LLC. for a Mixed-Use Building with 3000 sf of retail space and 4 dwelling units.

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Application_887_Mass_Ave..pdf	Application and Cover Letter
▣ Reference Material	Plans_887_Mass_Ave.pdf	Site Plans
▣ Reference Material	Supporting_Documents.pdf	Supporting Documents
▣ Reference Material	Stormwater_Mitigation_Review.pdf	Stormwater Mitigation Review
▣ Reference Material	Correspondence_Storm_Water_Mitigation.pdf	Correspondence Storm Water Mitigation
▣ Reference Material	Site_and_Maintenance_Plan.pdf	Site and Maintenance Plan
▣ Reference Material	Abutter_Notification_List.pdf	Abutter Notification List
▣ Reference Material	Legal_Notice_887_Massachusetts_Ave.pdf	Legal Notice
▣ Reference Material	Color_Photos.pdf	Color Photos
▣ Reference Material	Landscape_Plan.pdf	Landscape Plan
▣ Reference Material	EDR_Report__887_Mass._Ave.pdf	EDR Report

**ROBERT J. ANNESE**  
ATTORNEY AT LAW

May 9, 2017

Jennifer Raitt, Director  
Department of Planning and Community Development  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

RE: 887 Massachusetts Avenue, Arlington, Massachusetts

Hi Jennifer:

Enclosed herewith please find an Application for Special Permits with respect to real estate located at 887 Massachusetts Avenue, Arlington, Massachusetts, including but not limited to an Application for Environmental Design Review.

Please refer to the Application for the zoning sections which they seek relief from.

The submission contains the following documents:

1. application;
2. project Impact Report;
3. dimensional form;
4. storm water management plan;
5. plot plan showing existing conditions;
6. proposed structure and landscape plan;
7. ground level plan proposing three (3) commercial units;
8. second floor plan proposing two (2), two-bedroom residential units;
9. third floor plan proposing two (2), two-bedroom residential units;
10. ground level plan showing basement mechanical floor plan;
11. front elevation, right-side elevation and left-side elevation with respect to the proposed structure;
12. renderings showing the proposed structure; and
13. a check in the amount of \$200.00 representing the filing fee in connection with this matter.

Ten (10) copies of each of the above referenced documents are being furnished to your office at this time.

Very truly yours,

  
Robert J. Annese

Enclosures

17 MAY -9 AM 11:28

PLANNING & COMMUNITY  
DEVELOPMENT



TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 11.06 of the Zoning Bylaw)

Docket No. 3531

1. Property Address 887 Massachusetts Avenue  
Name of Record Owner(s) Carowell, LLC Phone 781-646-4911  
Address of Owner 1193 Massachusetts Ave., Arlington, MA 02476  
Street City, State, Zip
2. Name of Applicant(s) (if different than above) \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Status Relative to Property (occupant, purchaser, etc.) \_\_\_\_\_
3. Location of Property Map 053.0, Block 0001, Lot 0005.0  
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Registry of deeds, Book \_\_\_\_\_, Page \_\_\_\_\_;  
-or- registered in Land Registration Office, Cert. No. 261909 in Book 1487, Page 145.
5. Present Use of Property (include # of dwelling units, if any) Property is currently vacant.
6. Proposed Use of Property (include # of dwelling units, if any) Mixed use  
Residential and commercial containing four (4) two-bedroom  
residential units and three (3) commercial units
7. Permit applied for in accordance with 8.12(a)(7)  
the following Zoning Bylaw section(s) Article 10 ATM 4/10 (2)  
Article 11.06  
Article 6 ATM 4/16  
section(s) title(s)
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

(In the statement below, strike out the words that do not apply)

The applicant states that Carowell, LLC is the owner -or- occupant -or- purchaser under agreement of the property in Arlington located at 887 Massachusetts Avenue which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

CAROWELL, LLC

CAROWELL, LLC

Signature of Applicant(s)

By: John A. Carney, Mgr. By: Deborah Nowell, Mgr.

1193 Massachusetts Ave., Arlington, MA 02476 781-646-4911

Address

Phone

7/08



Project Impact Report  
887 Massachusetts Avenue  
Arlington, MA  
May 8, 2017

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Prepared for:  
Carowell, LLC  
1193 Massachusetts Avenue  
Arlington, MA

- **Preservation of Landscape:** The existing developed site is covered 100% with impervious surface, consisting of concrete, bituminous asphalt paving or building. This condition is consistent with the two abutting properties that are also almost entirely covered with impervious surfaces. The site is nearly flat and will not undergo any significant grading modifications. The proposed development will improve the site with approximately 600 square feet of new landscaping that will include grass, shrubs, and a flowering tree. This will have a positive effect not only on the site but also on the surrounding area.
- **Relation of Buildings to Environment:** The site is surrounded in the immediate vicinity by single-story commercial uses, multi-story residential uses, and a multi-story educational building (AHS). The proposed three-story mixed-use building is synergistic with all adjacent uses, and the scale of the proposed three-story building is appropriate with the surrounding structures. While adjacent structures are built to the property lines, this building will have comply with all rear and side yard setbacks, improving the environment not only on this site but on the two adjacent sites as well. While the immediate area lacks any consistent architectural theme or style, the contemporary form and materials chosen for the proposed building should allow it to blend aesthetically into its surroundings.
- **Open Space:** While the site is limited in physical size, and the adjacent abutting structures are built right to the lot lines, we were able to create two open spaces on the site that offer natural visual relief to passersby, and provide the users of the site separation from its densely developed neighbors. We anticipate the residents to utilize the significant open space at the adjacent high school.
- **Circulation:** Vehicular access to the site will be limited to a single new curb cut on Schouler Court. This will provide access to six on-site parking spaces. A large existing curb cut on Massachusetts Avenue will be abandoned. The site is abutted on two sides by wide concrete sidewalks (Mass Ave. and Schouler court). First floor public spaces will be accessible from the existing level sidewalk on Massachusetts Avenue. Accessible ramps or stairs will not be necessary. We anticipate the business users on the first floor take advantage of the pedestrian friendly wide sidewalk to provide benches, small tables, or maybe a bike rack, depending on their clientele.

- **Surface Water Drainage:** The existing developed site is covered 100% with impervious surfaces. The proposed project will include two separate landscaped areas totaling approximately 600square feet. Additionally, the applicant is proposing to install a subsurface stormwater management system to recharge roof runoff. See attached plan and letter.
- **Utility Service:** There is currently water, sewer, electric, and telephone services on-site. The applicant proposes to utilize the existing 4" sewer service; upgrade the existing domestic water to a 1" copper service; electric, telephone, and CATV services will be brought overhead from the existing utility pole at the northeast corner of the site. Applicant is working with a fire protection engineer to design the fire alarm system and determine the required fire service line. Gas is not on-site and is not expected to be utilized. A small exterior trash receptacle will be utilized to collect solid waste. This receptacle will be shielded with plantings so as to be inconspicuous.
- **Advertising Features:** A sign band has been incorporated above the first floor storefront systems on the Massachusetts Avenue façade. It is anticipated that the first floor business users will seek approvals for any desired signage independent of the submission. There is not a consistent signage protocol in the immediate surrounding area. As shown on the renderings, non-illuminated building identification numbers will be installed high on the east and west facades. We believe these larger numbers will not be visually offensive but allow vehicular traffic to identify the building sooner, resulting in a safer environment.
- **Special Features:** The building incorporates an overhang above the first floor level that has significant purpose. In addition to breaking up the façade, the overhang helps identify the commercial spaces, and its scale and proportion are in harmony with pedestrian scale of the first floor. Functionally, the overhang will act as a sunshade for the south facing façade, and can offer passersby shelter from the rain. Other than a well-screened trash receptacle (as addressed in Section 6) and an existing utility pole, there will not be additional equipment, storage, or exposed machinery that will have a detrimental effect on the adjacent or nearby surroundings. While not yet specified, there will be low-impact high efficiency HVAC components and low scone residential exhaust fans utilized. We anticipate the minimal noise emitted by these necessary utilities will be negated by the ambient noise level of the abutting Massachusetts Avenue.
- **Safety:** The parking facility and public spaces on site will be well lit as so to provide a sense of personal security. The building and adjacent areas will be constructed in accordance with all applicable life safety codes, ensuring the safety of all building occupants. Redevelopment of this derelict property will result in an increased level safety of in the area.

- **Heritage**: The existing long neglected structure, which in a former life was a gas station / garage, is of no historical or cultural significance. Additionally, other than the nearby Arlington High School, none of the adjacent properties or structures offers any value in this regard. This proposed project has no deleterious effect on the heritage of the immediate area or the town overall.
- **Microclimate**: As previously addressed in Sections 1, 3, and 5 above, the project will include approximately 600 square feet of new landscaping, which alone will have a positive effect on the immediate environment, specifically air quality and stormwater management. Through proper material selection and good design practices, the project will minimize light, air, and noise pollution.
- **Sustainable Building and Site Design**: The site will be developed in compliance with all applicable codes, including building, mechanical, electrical, plumbing, and energy conservation codes. While the applicant will not seek LEED certification for the project, many LEED initiatives across all categories will be implemented. See attached LEED Project Checklist for more information.

Michael A. Aveni  
MA Architect License #31349



TOWN OF ARLINGTON  
Dimensional and Parking Information  
for Application to  
The Arlington Redevelopment Board

Docket No. \_\_\_\_\_

Property Location 887 Massachusetts Avenue

Zoning District B2A

Owner: Carowell, LLC

Address: 1193 Massachusetts Avenue

Present Use/Occupancy: No. of Dwelling Units:  
n/a 0

Uses and their gross square feet:  
1572

Proposed Use/Occupancy: No. of Dwelling Units:  
R2 4

Uses and their gross square feet:  
8796 (excluding basement)

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	6,196	6,196	min. ---
Frontage	91.89'	91.89'	min. 50'
Floor Area Ratio	.30	1.42	max. 1.5
Lot Coverage (%) (where applicable)	25.3%	42.1%	max. ---
Lot Area per Dwelling Unit (square feet)	---	1,549	min. 700
Front Yard Depth (Ft.)	23.2'	0	min. 0
Side Yard Width (Ft.)	32'	20.2'	min. 0
	16.4'	5.2'	min. 0
Rear Yard Depth (Ft.)	1.0'	18.9'	min. 19.0'
Height			min.
Stories	1	3	stories 5
Feet	21' +/-	35' +/-	feet 60'
Open Space (% of G.F.A.)			min. ---
Landscaped (s.f.)	0	600	(s.f.) ---
Usable (s.f.)	0	0	(s.f.) ---
Parking Spaces (No.)	20+/-	---	min. 6
Parking Area Setbacks (Ft.) (where applicable)	0	0	min. ---
Loading Spaces (No.)	---	---	min. ---
Type of Construction	5B	5B	
Distance to Nearest Building	2.5'	5.2'	min.

## Salem Village Consulting

May 5, 2017

Mr. John Carney  
Carowell, LLC  
1193 Massachusetts Ave.  
Arlington, MA 02476

**RE: 887 Massachusetts Ave. – Storm Water Improvements**

Dear John,


At your request, I have compiled a storm water management plan for your project at 887 Massachusetts Ave. to meet the Arlington Redevelopment Board's Environmental Design Review requirements. The plan includes a storm water recharge system designed to capture and infiltrate roof run-off from the proposed building. The system will have the capacity for up to a 10 year (4.5") storm event.

Since the development will result in the reduction of approximately 600 s.f. of impervious surfaces it will not be required to meet the town's Storm Water Mitigation By-Law

With the proposed storm water best management practices and the reduction of impervious surfaces on the property, there will be a significant reduction in the storm water generated from the site.

If you have any questions on the information provided please do not hesitate to contact me.

Regards,

  
John Barrows, P.E.



90 Pine Street, Danvers, Massachusetts, 01923  
978-204-2390  
johnbarrows\_pe@yahoo.com



# LEED v4 for BD+C: New Construction and Major Renovation Project Checklist

Project Name: **887 MASSACHUSETTS AVE**  
Date: **MAY 5, 2017**

Y 2 N  
Credit Integrative Process 1

0	0	0	Location and Transportation	16
	Credit		LEED for Neighborhood Development Location	16
	Credit		Sensitive Land Protection	1
	Credit		High Priority Site	2
	Credit		Surrounding Density and Diverse Uses	6
2	Credit		Access to Quality Transit	5
5	Credit		Bicycle Facilities	1
	Credit		Reduced Parking Footprint	1
	Credit		Green Vehicles	1

0	0	0	Sustainable Sites	10
	Prereq		Construction Activity Pollution Prevention	Required
	Credit		Site Assessment	1
	Credit		Site Development - Protect or Restore Habitat	2
	Credit		Open Space	1
	Credit		Rainwater Management	3
3	Credit		Heat Island Reduction	2
2	Credit		Light Pollution Reduction	1

0	0	0	Water Efficiency	11
	Prereq		Outdoor Water Use Reduction	Required
	Prereq		Indoor Water Use Reduction	Required
	Prereq		Building-Level Water Metering	Required
2	Credit		Outdoor Water Use Reduction	2
	Credit		Indoor Water Use Reduction	5
	Credit		Cooling Tower Water Use	2
1	Credit		Water Metering	1

0	0	0	Energy and Atmosphere	33
	Prereq		Fundamental Commissioning and Verification	Required
	Prereq		Minimum Energy Performance	Required
	Prereq		Building-Level Energy Metering	Required
	Prereq		Fundamental Refrigerant Management	Required
2	Credit		Enhanced Commissioning	5
2	Credit		Optimize Energy Performance	16
	Credit		Advanced Energy Metering	1
	Credit		Demand Response	2
	Credit		Renewable Energy Production	3
	Credit		Enhanced Refrigerant Management	1
1	Credit		Green Power and Carbon Offsets	2

0	0	0	Materials and Resources	13
	Prereq		Storage and Collection of Recyclables	Required
	Prereq		Construction and Demolition Waste Management Planning	Required
	Credit		Building Life-Cycle Impact Reduction	5
	Credit		Building Product Disclosure and Optimization - Environmental Product Declarations	2
	Credit		Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
	Credit		Building Product Disclosure and Optimization - Material Ingredients	2
	Credit		Construction and Demolition Waste Management	2

0	0	0	Indoor Environmental Quality	16
	Prereq		Minimum Indoor Air Quality Performance	Required
	Prereq		Environmental Tobacco Smoke Control	Required
	Credit		Enhanced Indoor Air Quality Strategies	2
	Credit		Low-Emitting Materials	3
	Credit		Construction Indoor Air Quality Management Plan	1
	Credit		Indoor Air Quality Assessment	2
	Credit		Thermal Comfort	1
	Credit		Interior Lighting	2
	Credit		Daylight	3
	Credit		Quality Views	1
	Credit		Acoustic Performance	1

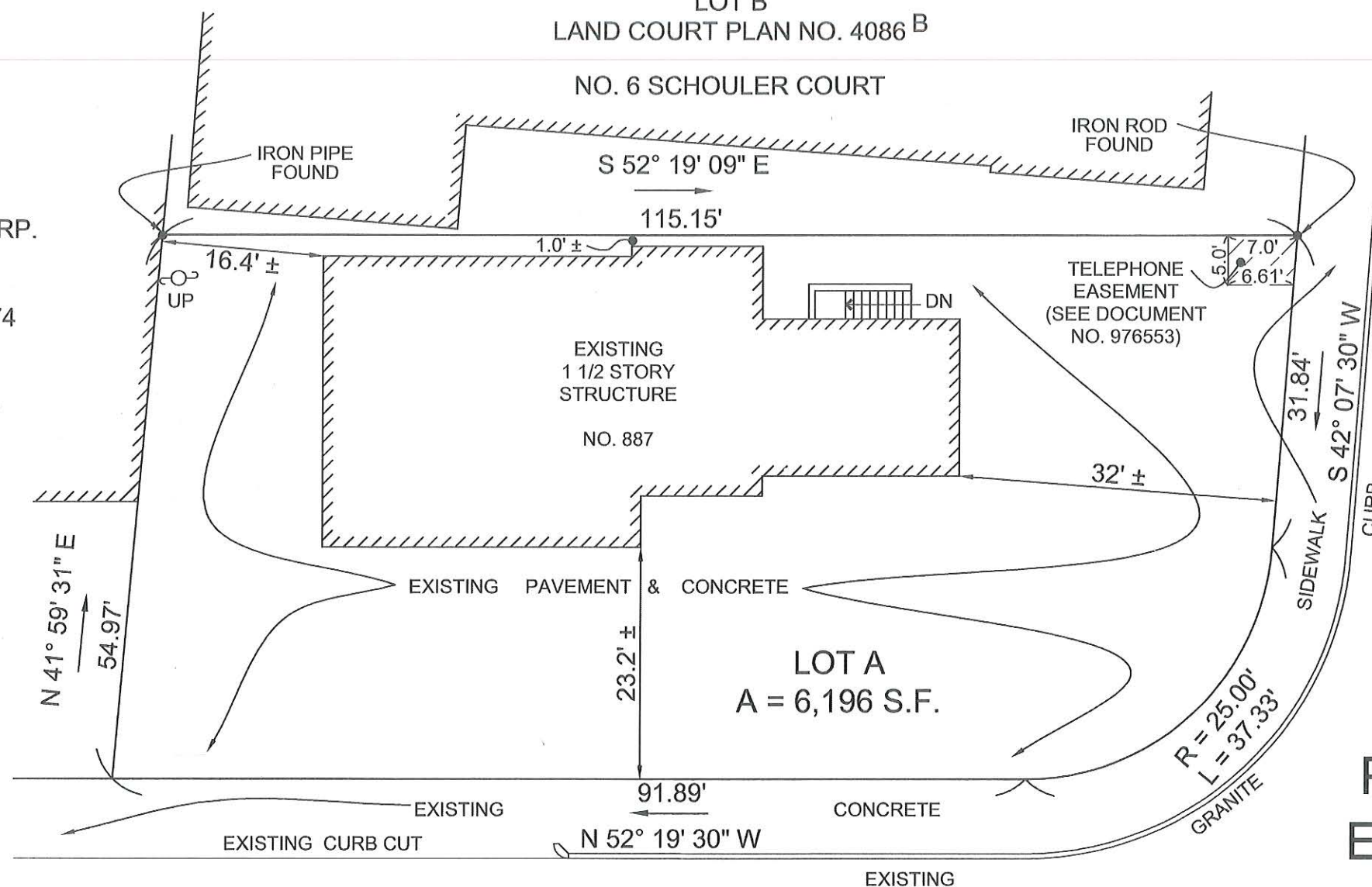
0	0	0	Innovation	6
	Credit		Innovation	5
	Credit		LEED Accredited Professional	1
0	0	0	Regional Priority	4
	Credit		Regional Priority Specific Credit	1
	Credit		Regional Priority Specific Credit	1
	Credit		Regional Priority Specific Credit	1
	Credit		Regional Priority Specific Credit	1

**TOTALS** Possible Points: **110**  
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110



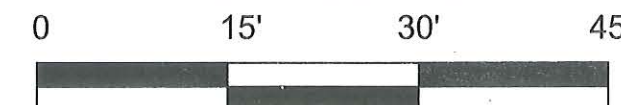
N/F  
MERCATOR NORTH CORP.  
BK. 25260 PG. 238  
LOT A1  
PLAN NO. 1142 OF 1974  
NO. 901 MASS. AVE.

N/F  
MICHAEL FAIOLA, TRUSTEE  
OF FAIOLA REALTY TRUST  
CERT. NO. 118576  
LOT B  
LAND COURT PLAN NO. 4086 B



SCHOULER COURT  
(PUBLIC - 40.00' WIDE)

PLOT PLAN SHOWING  
EXISTING CONDITIONS  
IN  
ARLINGTON, MA  
887 MASSACHUSETTS AVENUE



SCALE: 1" = 15'-0"

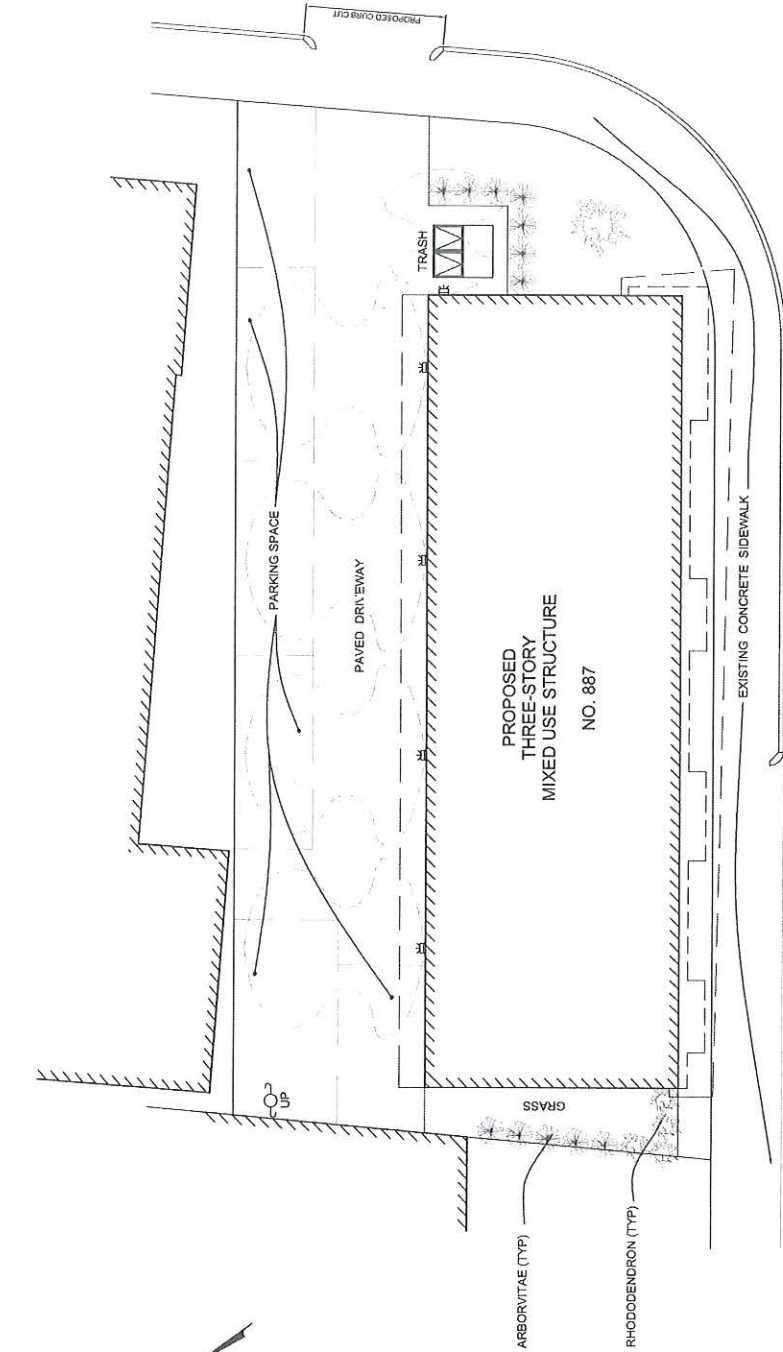
APRIL 20, 2016

D & A SURVEY ASSOCIATES, INC.  
P.O. BOX 621 MEDFORD, MA 02155  
(781) 324 - 9566

MASSACHUSETTS (PUBLIC - 76.00' WIDE) AVENUE

NOTES:

1. ZONING DISTRICT: B2-A - MIXED USE
2. DEED REFERENCE: CERT. NO. 261909
3. PLAN REFERENCE: LAND COURT PLAN NO. 4086 B
4. EXISTING IMPERVIOUS AREA: 100%

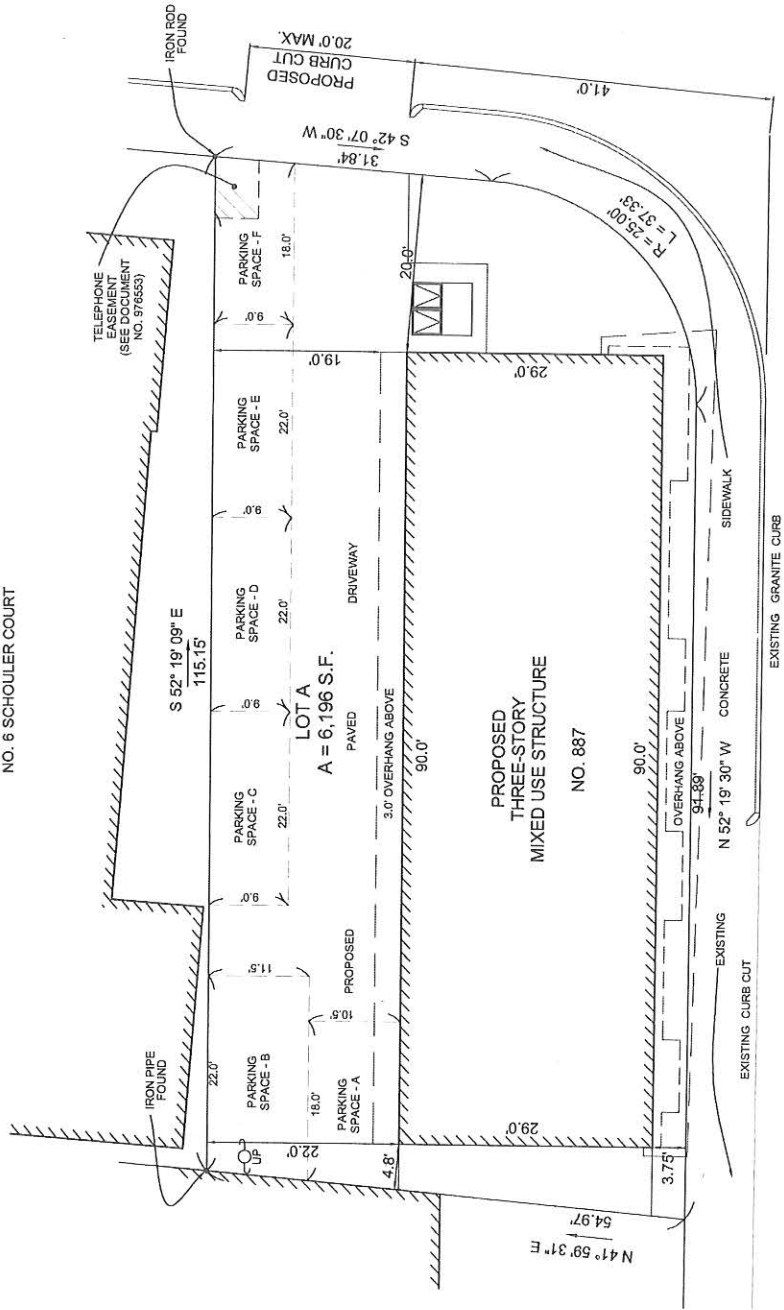


LANDSCAPE PLAN

SCALE: 1" = 10'



N/F  
MICHAEL FAIOLA, TRUSTEE  
OF FAIOLA REALTY TRUST  
CERT. NO. 118576  
LOT B  
LAND COURT PLAN NO. 4086 B  
NO. 8 SCHOLLER COURT



N/F  
MERCATOR NORTH CORP.  
BK. 25260 PG. 236  
LOT A1  
PLAN NO. 1142 OF 1974  
NO. 901 MASS. AVE.



MASSACHUSETTS (PUBLIC - 76.00' WIDE) AVENUE

PROPOSED SITE PLAN

SCALE: 1" = 10'



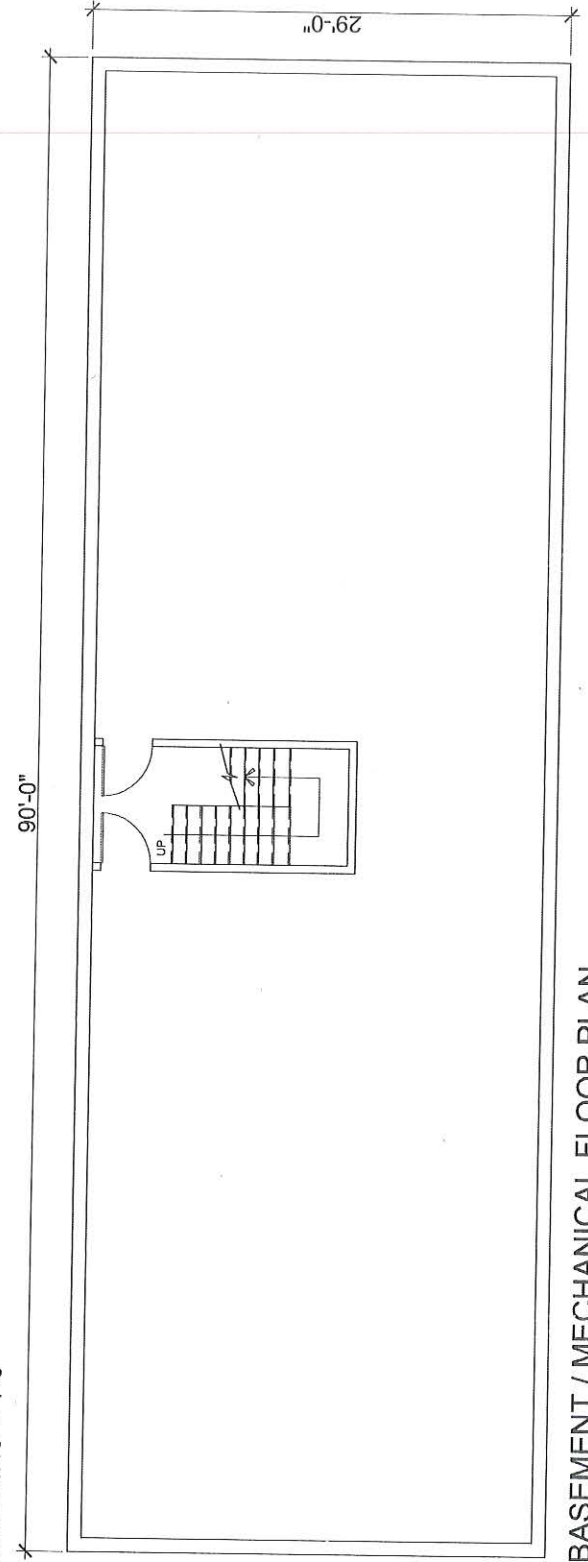
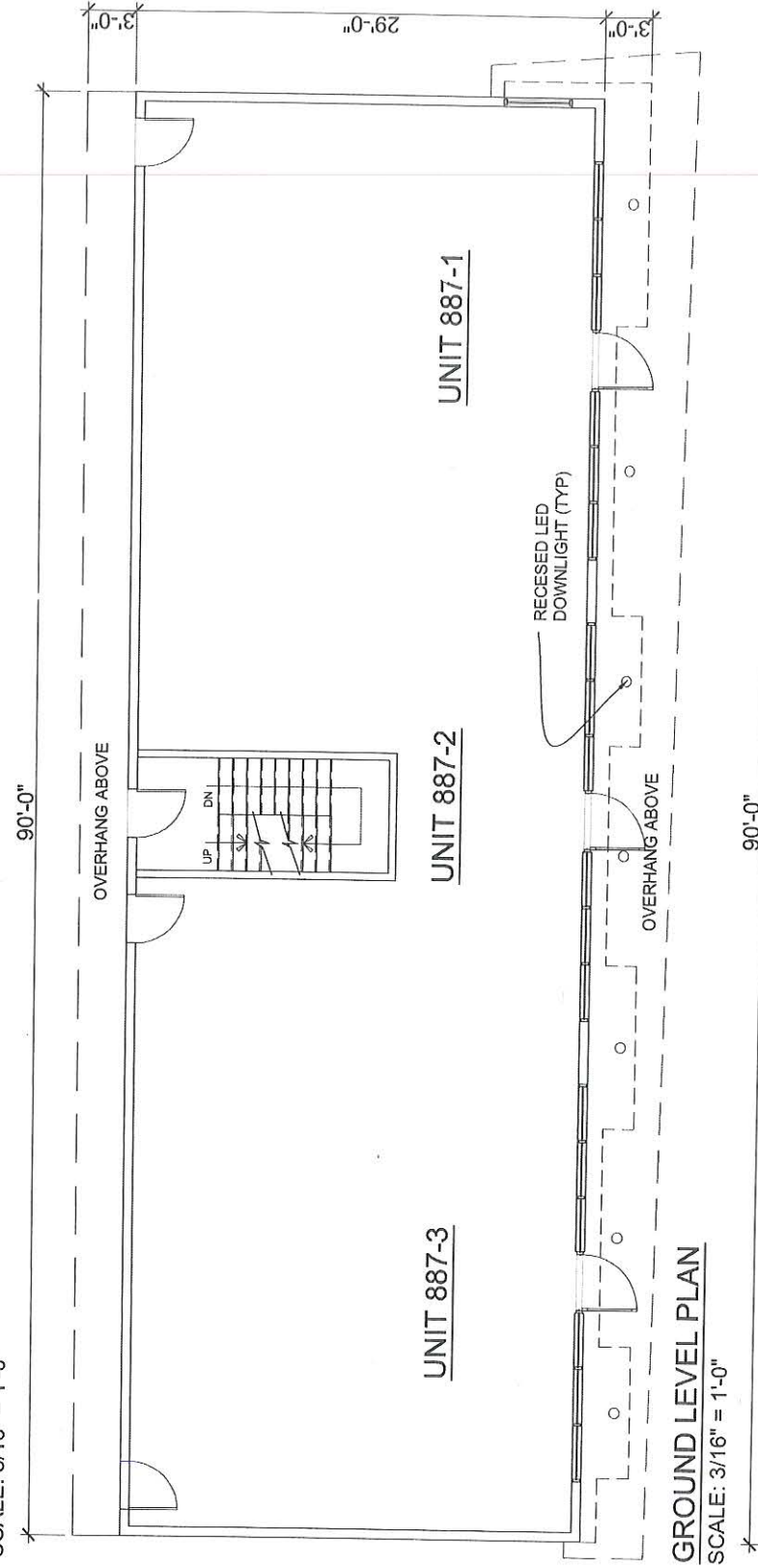
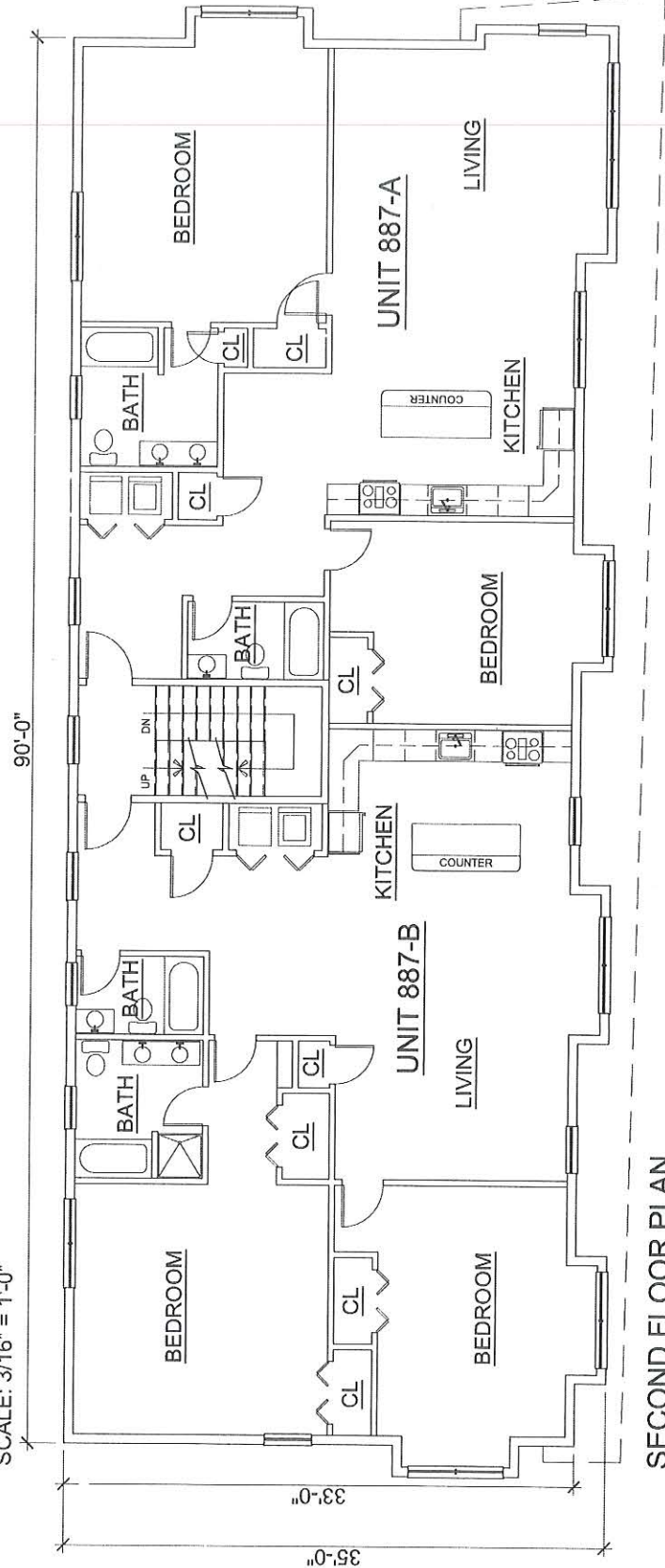
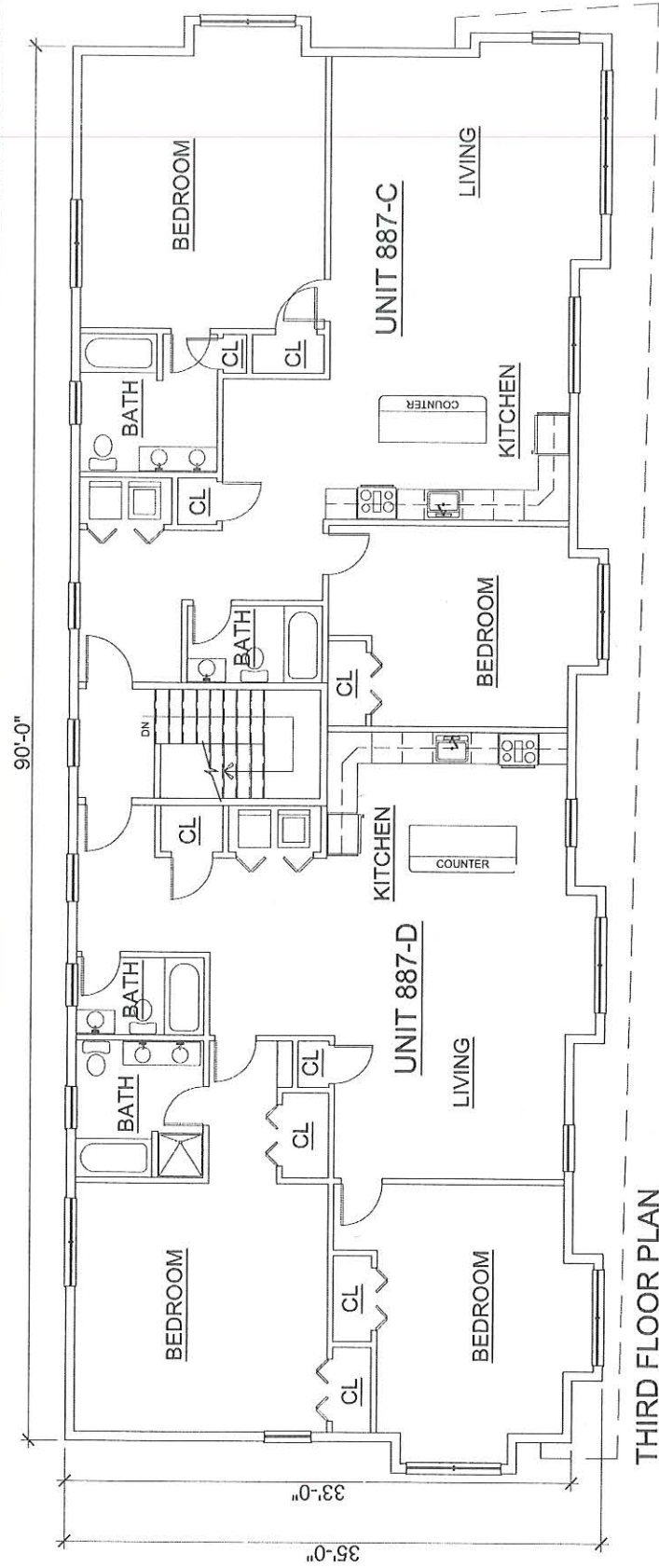
REV.	DATE	DESCRIPTION

PROJECT:  
PROPOSED STRUCTURE  
887 MASSACHUSETTS AVE  
ARLINGTON, MA

DATE: 5-5-17  
SCALE: AS NOTED  
DRAWN BY:

SHEET:  
C-1





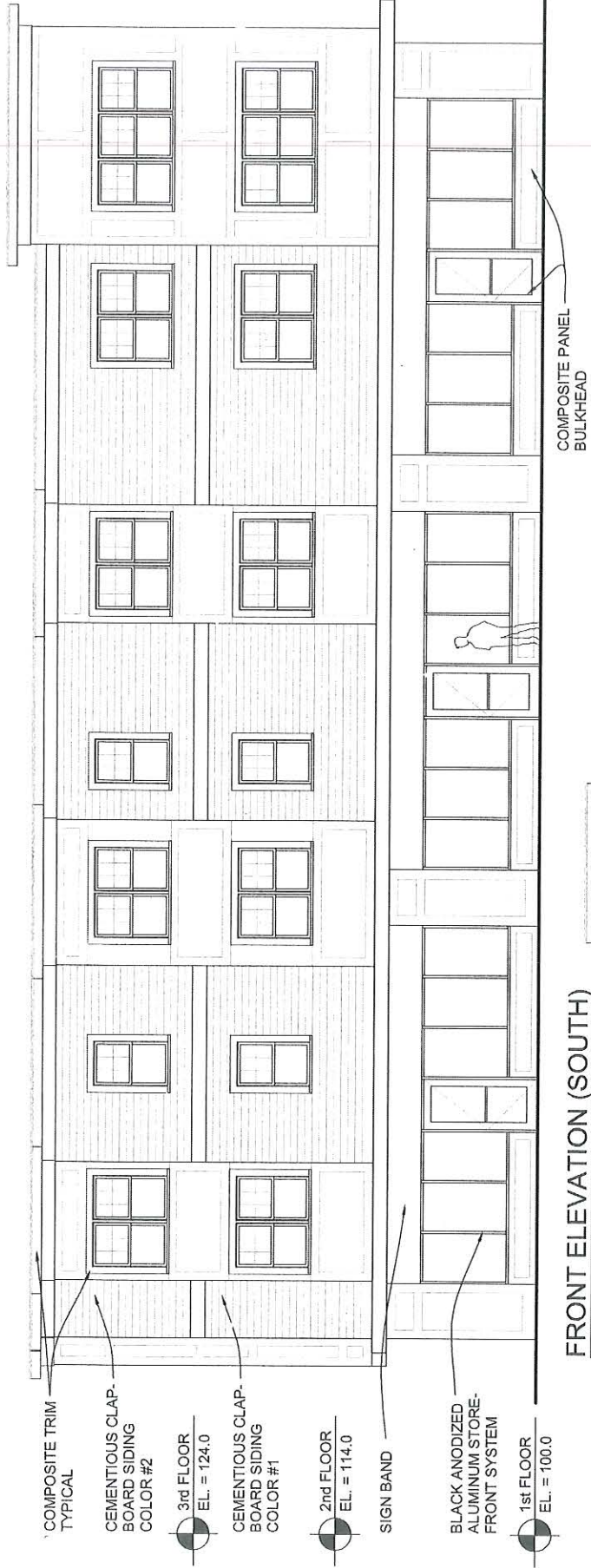
REV.	DATE	DESCRIPTION	PROJECT:	DATE:	SHEET:
			<b>PROPOSED STRUCTURE</b> <b>887 MASSACHUSETTS AVE</b> <b>ARLINGTON, MA</b>	5-5-17	A-1

DATE: 5-5-17

SCALE: AS NOTED

DRAWN BY:

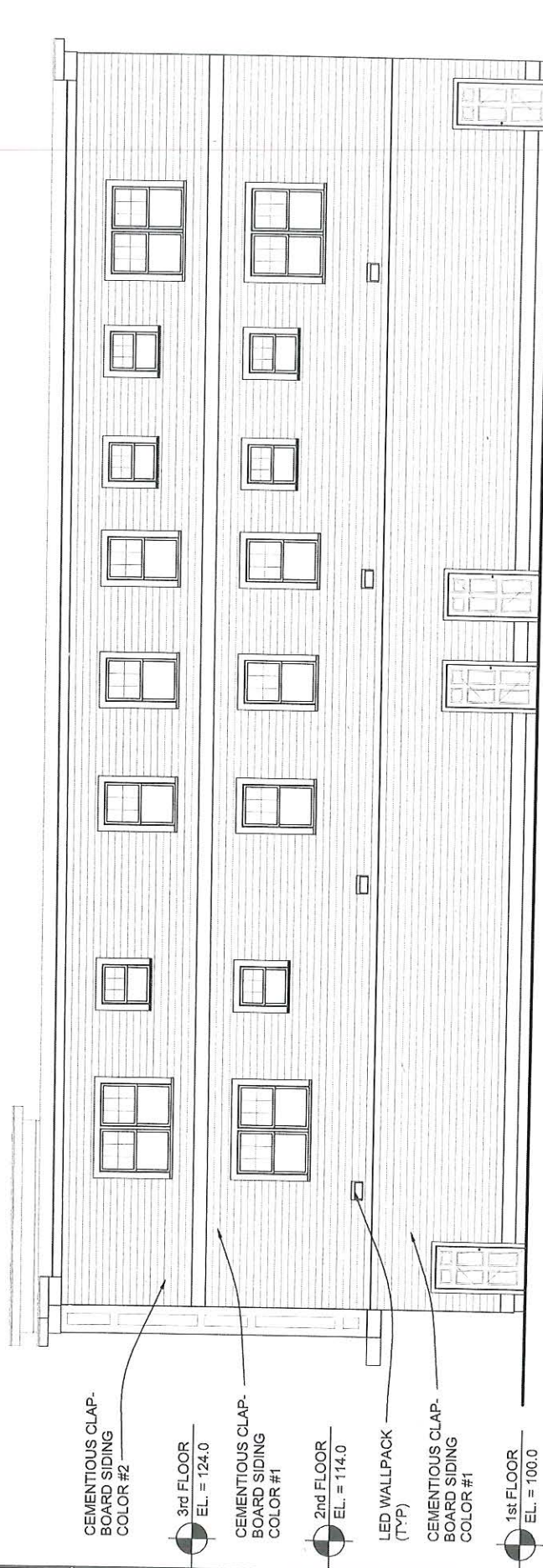




FRONT ELEVATION (SOUTH)  
SCALE: 3/16" = 1'-0"



RIGHT SIDE ELEVATION (EAST)  
SCALE: 3/16" = 1'-0"



REAR ELEVATION (NORTH)  
SCALE: 3/16" = 1'-0"



LEFT SIDE ELEVATION (WEST)  
SCALE: 3/16" = 1'-0"



PROJECT: PROPOSED STRUCTURE  
887 MASSACHUSETTS AVE  
ARLINGTON, MA

DATE: 5-5-17  
SCALE: AS NOTED  
DRAWN BY:

SHEET:

A-2



**887 Massachusetts Avenue, Arlington, Massachusetts**

**Submission for the Arlington Redevelopment Board**

The 887 Massachusetts Avenue real estate is owned by Carowell, LLC, a Massachusetts limited liability company and the two principals of the LLC are Attorney Deborah Nowell and Contractor John Carney.

Attorney Nowell has been an attorney in Arlington for many years and specializes in real estate law and John Carney has been a contractor for many years working with both residential and commercial properties of all types and kind.

Both Attorney Nowell and Mr. Carney are residents of the Town of Arlington.

The LLC acquired title to the real estate on April 7, 2016 and the real estate which has been vacant and in a rundown condition for many years is located at the corner of Schouler Court and Massachusetts Avenue with the direct abutter on the east side of the property being Arlington High School and on the west side Mystic Wine Shoppe.

The subject lot contains 6,196 square feet.

The Petitioners propose to demolish the existing former gas station building located at the site and construct a three story building in its place consisting of three commercial units on the first level, two, two-bedroom residential units at the second level and two, two-bedroom units on the third level.

The property is located in a B-2A Zone and the zoning relief requested with respect to the Zoning Bylaw is as follows:

1. Section 10.11 - Special Permits
2. Section 5.04 - Table of Use Regulations Specials Permits to allow mixed use in the B-2A Zone.

3. Section 8.07 (a) - Parking in a commercial district
4. Section 8.12 (c) - To allow modification of parking loading space standards; and
5. Section 11.06 - Environmental Design Review

The first floor commercial space will contain a total of 2,477 square feet with the commercial space shown on Plan A-1 with each of units described as UNIT 887-1, 887-2 and 887-3.

Section 8.07(b) provides that the first 3,000 square feet of non-residential space is exempt from any parking requirements contained within the substance of the Zoning Bylaw.

Since the commercial space for the development is under 3,000 square feet there is no parking requirement for the commercial use.

With respect to the residential units, Unit 887-A and 887-C located at the second level the net usable square feet is 1,393 square feet.

For Units 887-B and 887-D located on the third level the net usable square feet for those units is 1,409 square feet.

The parking requirement for the four two-bedroom residential units is six parking spaces.

The plot plan showing the proposed structure drawn by D & A Survey Associates, Inc. submitted with the Petitioners' Application shows six parking spaces; however one of those parking spaces abuts Schouler Court.

Section 8.07(a) of the Zoning Bylaw reads in part as follows:

"For properties located in the B2-A Zone no parking shall be permitted in the front yard, nor shall any driveways directly in front of a structure be permitted without a finding by the ZBA or in cases subject to Section 11.06 by the ARB that the parking or driveway is necessary and convenient to the public interest."



Petitioners' plans have changed a number of times with respect to the number and size of the residential units to be located at the site and there was even discussion at one point of having a parking space located on the west of the property as it fronts on Massachusetts Avenue; however it was determined that such an approach was not feasible because of the proposed envelope of the building and Petitioners' plans for the overall concept of the building.

With respect to parking, Petitioners need to comply with the provisions of Section 8.07(a) and Section 8.12 of the Bylaw with regard to certain criteria relating to both sections of the Bylaw.

**The Petitioners address that criteria as follows:**

**SECTION 8.07(a)**

The 887 Massachusetts Avenue property has been vacant for many years and is a distinctive eyesore located right next to the Arlington High School campus.

Many developers and contractors have looked at the site and have declined to pursue development at the property in some cases for economic reasons, i.e., they could not justify the monies that would need to be spent to develop the site with respect to the number of units whether residential or commercial which would be allowed by zoning.

The present Petitioners went through the same analysis with respect to economics relating to the proposed development and did so for an extended period of time before electing to proceed with their development plans.

Given their economic issues, it is imperative that they have six (6) parking spaces for the four (4) two-bedroom residential units shown on their plans.

They have determined through a market analysis that it would be very difficult to sell one of the two-bedroom units with only one parking space rather than two. Particularly so when three of the four units would have two parking spaces.

It would be the Petitioners' position that the Members of the ARB could reasonably conclude that it would be necessary and convenient to the public interest to grant their request for a Special Permit for front yard parking given the extended period of time the property has been vacant and in a run down condition located on Massachusetts Avenue, the main thoroughfare through the Town and, if so, the result would be the construction of an attractive mixed use building next to the high school campus and elimination of the derelict, cement old gas station building currently located at the site.

### **SECTION 8.12**

The Petitioners address Section 8.12 criteria as follows:

1. Each parking space shall have minimum dimensions of 8 ½ x 18 feet; (This provision will be complied with)
2. If compact car parking spaces are projected they shall be at least 8 x 16 feet (no compact car parking spaces are projected with respect to Petitioners' plans);
3. For parallel parking a space shall have minimum dimensions of 8 x 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length; (This provision will be complied with)
4. All parking and loading areas containing over five spaces are subject to the following:
  - a. The area and access driveways need to be resurfaced by bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer; (Petitioners have submitted a storm water management plan to the Town Engineer and have obtained the approval of the Town Engineer to that plan. See Stormwater Mitigation site plan drawn by Salem Village Consulting dated May 2, 2017 as well as a letter from the Assistant Town Engineer, William C. Copithorne, P.E. dated May 22, 2017.
  - b. The use of porous asphalt, pervious concrete, paving stones or grass pavers may also be used to meet this requirement in whole or in part subject to the approval of the

Town Engineer; (Once again, the Town Engineer has approved the Petitioners' storm water management plan).

- c. The location of spaces shall be suitably marked by painted lines or other appropriate markings; (The spaces shall be so marked).
- d. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials; (This provision will be satisfied).
- e. Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of twenty-four (24) feet in the case of two-way traffic or the following widths in the case of one-way traffic only. (Petitioners' parking plans show one-way traffic).

Angel of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

This requirement will be satisfied.

- f. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes. (This provision will be satisfied).
- g. Any portion of any entrance or exit driveway shall not be closer than fifty (50) feet to the curb line of an intersection street. (Petitioners are requesting a Special Permit with respect to this requirement).
- h. Any entrance or exit driveway shall not exceed twenty-four (24) feet in width at its intersection with the front lot line except for automotive service stations and fire stations. (This section will be satisfied).



The property does not abut residential structures therefore there is no need for buffering between the commercial property and any residential properties.

Parking and loading spaces have been arranged so as to not permit backing of vehicles onto Schouler Court.

Since the total number of parking spaces are fewer than eight (8), bicycle parking is not required in accordance with the provisions Sections 8.13 of the Zoning Bylaw.

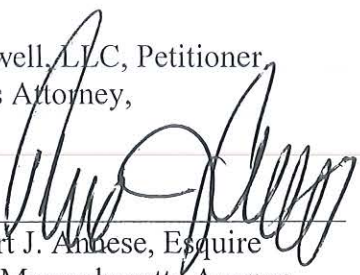
Petitioners' plot plan shows a proposed curb cut onto Schouler Court and the rendering submitted to the ARB depicting the east elevation at the site shows landscaping on the east side of the building consisting of a grass area as well as shrubbery and trees all as further shown on Petitioners' landscape plan.

The Petitioners are in a position to proceed with their construction plans and the relief they are seeking with respect to the parking space issue will allow them to develop the site economically as it is important to their development plans to have six parking spaces in order to effectively market the residential units.

In addition, even though there are no parking requirements for the commercial use a number of the residential parking spaces can be used by commercial employees for parking Monday through Friday as some of the residential occupants will be taking their cars to their place of employment. It should also be noted that an MBTA carline stop is located just to the west of the property on Massachusetts Avenue in front of the Stop & Shop supermarket and there is also an MBTA stop on the opposite side of Massachusetts Avenue.

The standards of review for the ARB outlined in Sections 1 through 11 of the Environmental Design Review Standards have been addressed in Petitioners Environmental Impact Statement and they respectfully request that the ARB grant their requests for Special Permits.

Carowell, LLC, Petitioner  
By its Attorney,



Robert J. Annese, Esquire  
1171 Massachusetts Avenue  
Arlington, MA 02476  
781-646-4911 - Telephone  
781-646-4910 – Facsimile  
E-mail: [law@robertannese.com](mailto:law@robertannese.com)



TOWN OF ARLINGTON  
Department of Public Works  
51 Grove Street  
Arlington, Massachusetts 02476  
Office (781) 316-3320 Fax (781) 316-3281

Engineering Division

Monday, May 22, 2017

John A. Barrows, P.E.  
Salem Village Consulting  
90 Pine Street  
Danvers, MA 01923

**RE: 887 Massachusetts Avenue – Stormwater Mitigation Review**

Please accept the following comments pertaining to the review of the *Stormwater Improvements Letter* dated May 5, 2017, and the *Stormwater Management Site Plan*, dated May 2, 2017, for the redevelopment of the lot at 887 Massachusetts Avenue in Arlington, MA, with a new three-story mixed-use building.

As was noted in your submission, the impervious area of the site will be reduced by approximately 600 square feet following redevelopment. As such, the Town of Arlington Stormwater Mitigation Bylaw is not applicable and the plan has thus not been reviewed for conformance with the bylaw's requirements.

While the bylaw does not apply to this project, it is noted that a stormwater infiltration system is proposed for stormwater management. Installation of any stormwater infiltration system requires that the following two inspections be completed by the Arlington Engineering Division: a *bottom of excavation* inspection and a *system installation prior to backfill* inspection. These inspection requirements are accurately denoted on the current plan. The Contractor completing the construction of the redevelopment project shall be informed of these inspection requirements and shall coordinate the inspections at least 24-hours in advance with the Arlington Engineering Division. Further, the owner of the project site will be responsible for the ongoing operation and maintenance of the system. The owner shall submit an operation and maintenance manual to the Arlington Engineering Division, including a schedule of the routine maintenance activities required following installation. Inspection reports documenting the completion of the routine maintenance activities shall also be submitted thereafter.

It is noted that additional permitting and applications will be required for the proposed construction as well as the sewer and water utility work. Copies of the final approved site plan as submitted to the Arlington Redevelopment Board may be utilized for other permit submittals.

If you should have any questions or would like to discuss any of the above comments, please feel free to contact the Arlington Engineering Division/Town Engineer at 781-316-3320.

Regards,

William C. Copithorne, P.E.  
Assistant Town Engineer



## Salem Village Consulting

May 5, 2017

Mr. John Carney  
Carowell, LLC  
1193 Massachusetts Ave.  
Arlington, MA 02476

**RE: 887 Massachusetts Ave. – Storm Water Improvements**

Dear John,

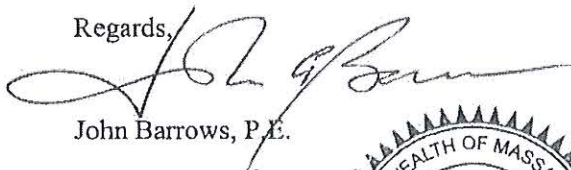
At your request, I have compiled a storm water management plan for your project at 887 Massachusetts Ave. to meet the Arlington Redevelopment Board's Environmental Design Review requirements. The plan includes a storm water recharge system designed to capture and infiltrate roof run-off from the proposed building. The system will have the capacity for up to a 10 year (4.5") storm event.

Since the development will result in the reduction of approximately 600 s.f. of impervious surfaces it will not be required to meet the town's Storm Water Mitigation By-Law

With the proposed storm water best management practices and the reduction of impervious surfaces on the property, there will be a significant reduction in the storm water generated from the site.

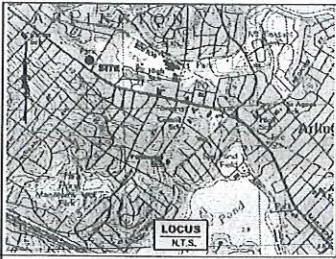
If you have any questions on the information provided please do not hesitate to contact me.

Regards,

  
John Barrows, P.E.



90 Pine Street, Danvers, Massachusetts, 01923  
978-204-2390  
johnbarrows\_pe@yahoo.com



**GENERAL CONSTRUCTION NOTES:**  
1. DISTURBED SOILS SHOULD BE STABILIZED AS SOON AS POSSIBLE. ADEQUATE MEASURES SHOULD BE TAKEN TO PREVENT EROSION AND TO CONTAIN SEDIMENT ON SITE. EROSION CONTROLS SUCH AS SILT FENCING, HAYBALES, AND SWEEPING SHOULD BE USED AS NECESSARY.

2. THE CONTRACTOR SHALL COORDINATE INSPECTIONS OF THE SUBSURFACE DRAINAGE SYSTEM WITH THE TOWN OF ARLINGTON ENGINEERING DEPT. PRIOR TO BACKFILLING.

3. THE PROPOSED CURB CUT AND SIDEWALK CONSTRUCTION SHOULD BE COORDINATED WITH TOWN OF ARLINGTON ENGINEERING DEPT. AND BUILT IN COMPLIANCE WITH THE TOWN OF ARLINGTON STANDARD DRIVEWAY CROSSING AND SIDEWALK DETAILS.

4. ALL WALLS GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED BY A REGISTERED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

5. FALL PROTECTION AND HANDRAILS SHALL BE PROVIDED AS REQUIRED BY BUILDING CODE OR OTHER APPLICABLE CODE(S) OR REGULATION(S), AND SHALL BE APPROVED BY THE OWNER PRIOR TO INSTALLATION.

6. SITE GRADING AND DOWNSPOUT OVERFLOWS SHALL NOT DIRECT CONCENTRATED STORMWATER RUNOFF ONTO ADJUTING PROPERTIES.

7. THE CONTRACTOR SHOULD MONITOR AREAS OF EXPOSED SOIL TO INSURE THAT EROSION IS KEPT TO A MINIMUM AND SEDIMENT IS CONTAINED ON-SITE. ANY SEDIMENT ENTERING THE RIGHT OF WAY SHOULD BE REMOVED IMMEDIATELY. ROADWAY STREET SWEEPING AND/OR CLEANING SHOULD TAKE PLACE AT THE END OF EACH WORK DAY.

8. A FIELD AS-BUILT PLAN OF THE DRAINAGE SYSTEM AND IMPERVIOUS AREAS (w/ DIMENSIONS) SHALL BE PROVIDED TO THE ARLINGTON ENGINEERING DEPT. FOLLOWING INSTALLATION.

9. ANY PROPOSED AND/OR FUTURE SLURP PUMP INSTALLATION SHOULD NOT BE DISCHARGED TOWARDS THE PUBLIC WAY OR CONNECTED TO THE SUBSURFACE RECHARGE SYSTEM.

10. FOOTING DRAIN OUTFALLS SHALL NOT BE DIRECTED TOWARDS ADJUTING PROPERTIES.

11. THE CONTRACTOR SHALL COORDINATE THE FOLLOWING INSPECTIONS OF SUBSURFACE DRAINAGE SYSTEM WITH THE TOWN OF ARLINGTON ENGINEERING DEPT.: (A.) THE BOTTOM OF EXCAVATION (B.) SYSTEM INSPECTION AFTER INSTALLATION AND PRIOR TO BACKFILLING.

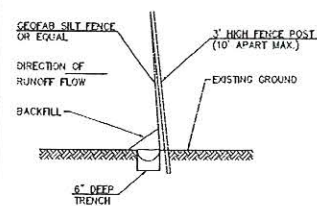
12. THE INFILTRATION SYSTEM'S BOTTOM OF BED SHALL BE EXCAVATED TO THE C HORIZON SOIL LAYER. IF UNSUITABLE SOIL CONDITIONS ARE ENCOUNTERED, (IE LEDGE, FILL, LACK OF SOIL DEPTH, ETC.) THE CONTRACTOR SHOULD CONTACT THE DESIGNER AND ENGINEERING DIVISION.

**GENERAL UTILITY NOTES:**

1. THE LOCATION OF EXISTING UTILITIES INCLUDING PIPES, CONDUITS, MANHOLES, POLES, AND OTHER UTILITY FEATURES AS SHOWN ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT OR COMPLETE. CONTRACTOR SHALL VERIFY UTILITIES AND NOTES, DRAINAGE AND THE TOWN OF ARLINGTON WATER & SEWER DEPT. (781-330-3300) PRIOR TO ANY EXCAVATIONS.

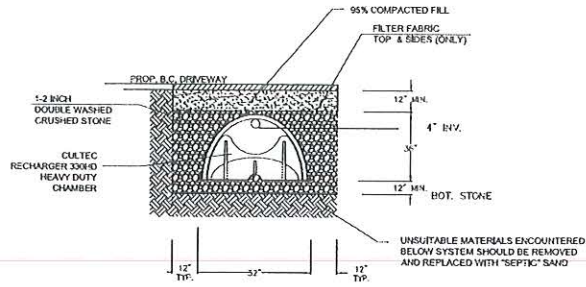
2. INSTALLATION OF UTILITIES SHALL CONFORM TO ALL APPLICABLE REGULATIONS, CODES, AND STANDARDS, INCLUDING THOSE OF THE CITY OF ARLINGTON.

3. THIS PLAN PROVIDES INFORMATION FOR EXTERIOR UTILITIES ONLY. UTILITIES INSIDE THE BUILDING TO BE DESIGNED AND SPECIFIED BY OTHERS.



**SILT FENCE DETAIL**

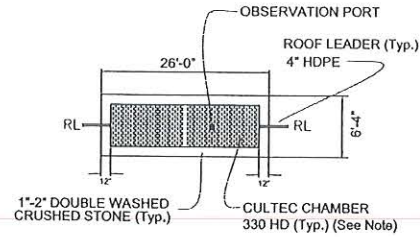
N.T.S.



**TYP. SECTION**

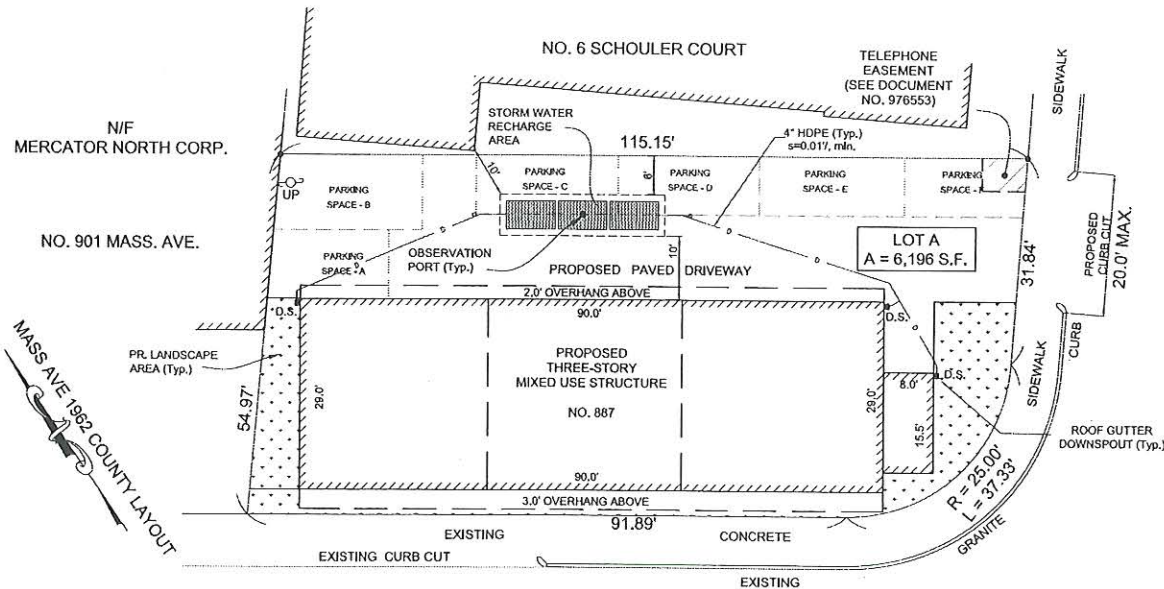
**TYPICAL RECHARGE AREA**

NOTE:  
1. RECHARGE SYSTEM CONSISTS OF (3) THREE 330X1 HD CULT-TEC CHAMBERS.



**PLAN VIEW**

N/F  
MICHAEL FAIOLA, TRUSTEE  
OF FAIOLA REALTY TRUST



**MASSACHUSETTS AVENUE** (PUBLIC - 76.00' WIDE)

**SITE PLAN**

SCALE: 1"=10'

Lot Coverage Summary	
Existing:	
Bldg.	1,572 sf
Dwy & Walks	4,624 sf
Total:	6,196 sf
Proposed:	
Bldg.	3,180 sf
Dwy's & Walks	2,416 sf
Total:	5,596 sf
Net Change: - 600 sf	

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	REVISIONS
3	REVISIONS
4	REVISIONS
5	REVISIONS
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99	REVISIONS
100	REVISIONS

CHK:	DIS:	DATE
STORMWATER MANAGEMENT SITE PLAN		
DRAWN FOR: CAROWELL LLC, 1193 MASSACHUSETTS AVE. ARLINGTON, MASSACHUSETTS		
887 MASSACHUSETTS AVE. ARLINGTON, MASSACHUSETTS		
Salem Village Consulting 90 PINE STREET DANVERS, MA 01923 (978)204-2390		
DATE: MAY 2, 2017		
SCALE: 1"=10'		
SHEET C-1		

## Operation and Maintenance Plan

This Stormwater Operation and Maintenance Plan covers the post-construction operation and maintenance of the stormwater management system for 887 Massachusetts Ave. in Arlington, Massachusetts.

The procedures, practices, and schedule outlined in this plan are intended to be ongoing requirements and are an important factor in ensuring the continued proper functioning of the stormwater management system and integrity of the discharged stormwater.

The following maintenance requirements are the sole responsibility of the property owner(s) and/or the properties home owners association.

### Recharge Systems (Chambers)

- Inspect systems after every major storm in the first three months of construction to ensure proper stabilization and function. Thereafter, inspect quarterly.
- Clean systems at least once per year, or more frequently, as needed to prevent accumulation of sediment and other debris in the system.
- Remove leaf litter and other debris from gutters and downspouts as needed to ensure adequate capacity for collection of runoff.
- Clean chambers when debris and or sediment has accumulated to a depth of 6 inches.



16-18 SCHOUTER CT 53.0-1-1.A  
ANDERSON BARBARA J & PHILIP  
18 SCHOUTER CT  
ARLINGTON, MA 02476

8-10 SCHOUTER CT 53.0-1-3.0  
ALDRICH MICHAEL E & LAURA D  
214 WASHINGTON STREET  
WINCHESTER, MA 01890

895 MASS AVE 53.0-1-6.A  
MERCATOR NORTH CORPORATION  
6 SCHOUTER COURT  
ARLINGTON, MA 02476

31 SCHOUTER CT 54.0-3-19.0  
TOWN OF ARLINGTON SCHOOL  
HIGH SCHOOL  
730 MASS AVE  
ARLINGTON, MA 02476

898 MASS AVE 26.0-1-5.A  
NOSTALGIA PROPERTIES LLC  
C/O THE HAMILTON COMPANY  
39 BRIGHTON AVENUE  
BOSTON, MA 02134

9 LOCKELAND AVE 26.0-1-9.0  
FRENZ SALVATORE J--ETAL  
FRENZ LUTSA  
5 KELLY FARM WAY  
BURLINGTON, MA 01803

11 BAILEY RD 26.0-2-4.0  
HOURIGAN PATRICK/ETAL  
HOURIGAN IMELDA  
11 BAILEY RD  
ARLINGTON, MA 02476

12-#12 SCHOUTER CT 53.A-1-2.0  
WATSON JOHN  
BOOKSTEIN SOTIE  
12 SCHOUTER COURT  
UNIT 12  
ARLINGTON, MA 02476  
900 MASS AVE 26.A-1-900.0  
LESHIN JONAH B  
MADRANI DAHLIA S  
900 MASSACHUSETTS AVE  
ARLINGTON, MA 02476

105-107 WILWOOD AVE 26.0-1-11.0  
ZANETAS ELAINE  
107 WILWOOD AVENUE  
ARLINGTON, MA 02476

10 LOCKELAND AVE 26.0-2-9.0  
SMITH MICHAEL J & PATRICE J  
10 LOCKELAND AVENUE  
ARLINGTON, MA 02476

12-#14 SCHOUTER CT 53.A-1-3.0  
SHEA ELIZABETH  
12 SCHOUTER COURT  
UNIT 14  
ARLINGTON, MA 02476  
900A MASS AVE 26.A-1-900.A  
KEMP JAMES G  
KEMMER MELINDA  
900A MASS AVENUE  
ARLINGTON, MA 02476

6 SCHOUTER CT 53.0-1-4.0  
FAIOLA LOUIS R ETAL TRS  
FAIOLA LOUIS TRUST  
6 SCHOUTER COURT  
ARLINGTON, MA 02476

855 MASS AVE 53.0-2-4.0  
TOWN OF ARLINGTON SCHOOL  
HIGH SCHOOL  
730 MASS AVE  
ARLINGTON, MA 02476

904-904A MASS AVE 26.0-1-2.0  
ALEXANDER ARTHUR P  
P.O. BOX 442  
WESTON, MA 02493

LOT--- LOCKELAND AVE 26.0-1-7.0  
PASCIUTO FRANK & FERMINA/TR  
FRAGIO REALTY TRUST  
455 MASSACHUSETTS AVENUE  
ARLINGTON, MA 02474

111 WILWOOD AVE 26.0-1-12.0  
GRIFFIN JOHN J/ETAL  
GRIFFIN WARREN L  
111 WILWOOD AVENUE  
ARLINGTON, MA 02476

6 LOCKELAND AVE 26.0-2-10.0  
TRIPOULDIS CHRISTOS TR  
TR OF TRIPOULDIS FAMILY TR  
6 LOCKELAND AVENUE  
UNIT 1  
ARLINGTON, MA 02476

6-#1 HIGHLAND AVE 26.A-1-1.0  
PIETRANTONI DAVID F  
NARINSKY ANNA V  
6 HIGHLAND AVENUE  
UNIT 1  
ARLINGTON, MA 02476

867 MASS AVE 53.0-1-5.0  
CAROWELL LLC  
1193 MASSACHUSETTS AVE  
ARLINGTON, MA 02476

905 MASS AVE 54.0-3-15.0  
THE STOP & SHOP SUPERMARKET  
MARBURY REALTY TR  
PO BOX 6500  
CARLISLE, PA 17013  
902-902A MASS AVE 26.0-1-3.0  
KELTIKIAN MALCOLM & JEAN  
1542 MASS AVENUE  
ARLINGTON, MA 02476

5 LOCKELAND AVE 26.0-1-8.0  
PRENDERGAST DIANE--ETAL  
WEISBERG FRANCES  
108 FARNHAM STREET  
BIRMINGHAM, MA 02478

874 MASS AVE 26.0-2-2.C  
TD BANK NA  
LEASE & TAX DEPARTMENT  
380 WASHINGTON STREET  
TOWER B - 12TH FLOOR  
LONDON, ONTARIO, N6A  
864-870 MASS AVE 26.0-3-1.A  
864 MASS AVENUE LLC  
C/O LEADER BANK  
180 MASSACHUSETTS AVE  
ARLINGTON, MA 02474

6-#2 HIGHLAND AVE 26.A-1-2.0  
ALEXANDER JUDITH D  
ALEXANDER MICHAEL N  
66 BASKIN RD  
LEXINGTON, MA 02421

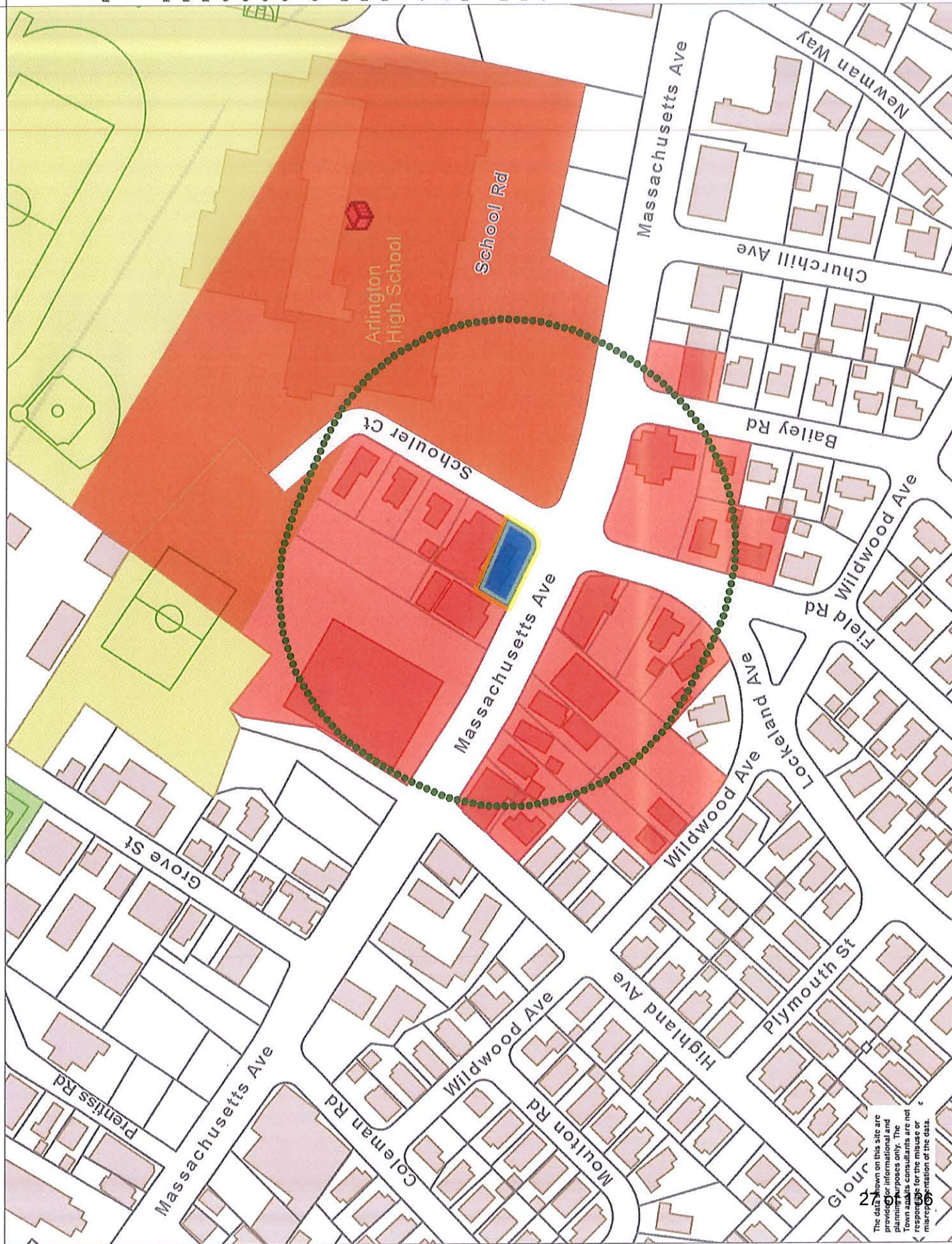
I hereby certify that this list  
has been prepared in accordance with  
Chapter 40A, Sec 11 of MGL.

*Paul C. Foley*  
*Robert C. Foley*  
-----  
Paul C. Foley  
Robert C. Foley  
ARLINGTON, MASSACHUSETTS

5/18/17  
Date



- Places by Category
- Police Station
  - Fire Station
  - School
  - Library
  - Public Works
  - Recreation - Facilities
  - Recreation - Fields Courts Lin
  - Recreation - Fields Courts Pol
  - Open Space - Conservation Ri
  - Open Space - Minuteman Bk
  - Open Space - Labels
  - Open Space - outline
  - Town, State, or Private
  - Open Space
  - Town, State, or Private
  - Other Town Owned
  - Parcels
  - Buildings
  - MA Highways
  - Interstates
  - US Highway
  - Numbered Routes
  - Town Boundary
  - Abutting Towns
  - Roads - Class 1-8 (for Town E
  - Major Road
  - Local Road
  - Driveway
  - Roads - OneWay (for Base Ma
  - Roads - For High Zoom Level
  - Cemetery - Roads
  - Road1
  - Road2
  - Road3
  - Road4
  - Water Line
  - Water Body







**Town of Arlington  
Redevelopment Board  
730 Massachusetts Avenue  
Arlington, MA 02476**

**Public Hearing**

**Legal Notice**

Notice is herewith given that an application has been filed on May 17, 2017 by Carowell, LLC., Docket #3531 to allow new construction of a mixed-use residential and commercial property at 887 Massachusetts Avenue, Arlington, Massachusetts, in the B2A Major Business District. Notice is filed in accordance with the provisions of MGL 40A Section 11, and the Town of Arlington Zoning Bylaw Section 10.11 Special Permits, for Special Permits under Section 5.04 Table of Use Regulations, to allow Mixed-Use in the B2A zone, Section 8.07(a) Parking in Commercial Districts, 8.12(c) to allow modification of Parking and Loading Space Standards, and Section 11.06 Environmental Design Review.

A Public Hearing will occur on Monday evening, June 12, 2017 at 7:30 PM in the Town Hall Annex Second Floor Conference Room, 730 Massachusetts Avenue, Arlington, Massachusetts.

Plans may be viewed in the Department of Planning and Community Development on the first floor of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m.

Arlington Redevelopment Board  
Andrew Bunnell, Chairman

AA 5/25, 6/1





887 Massachusetts Ave, Arlington

South Elevation

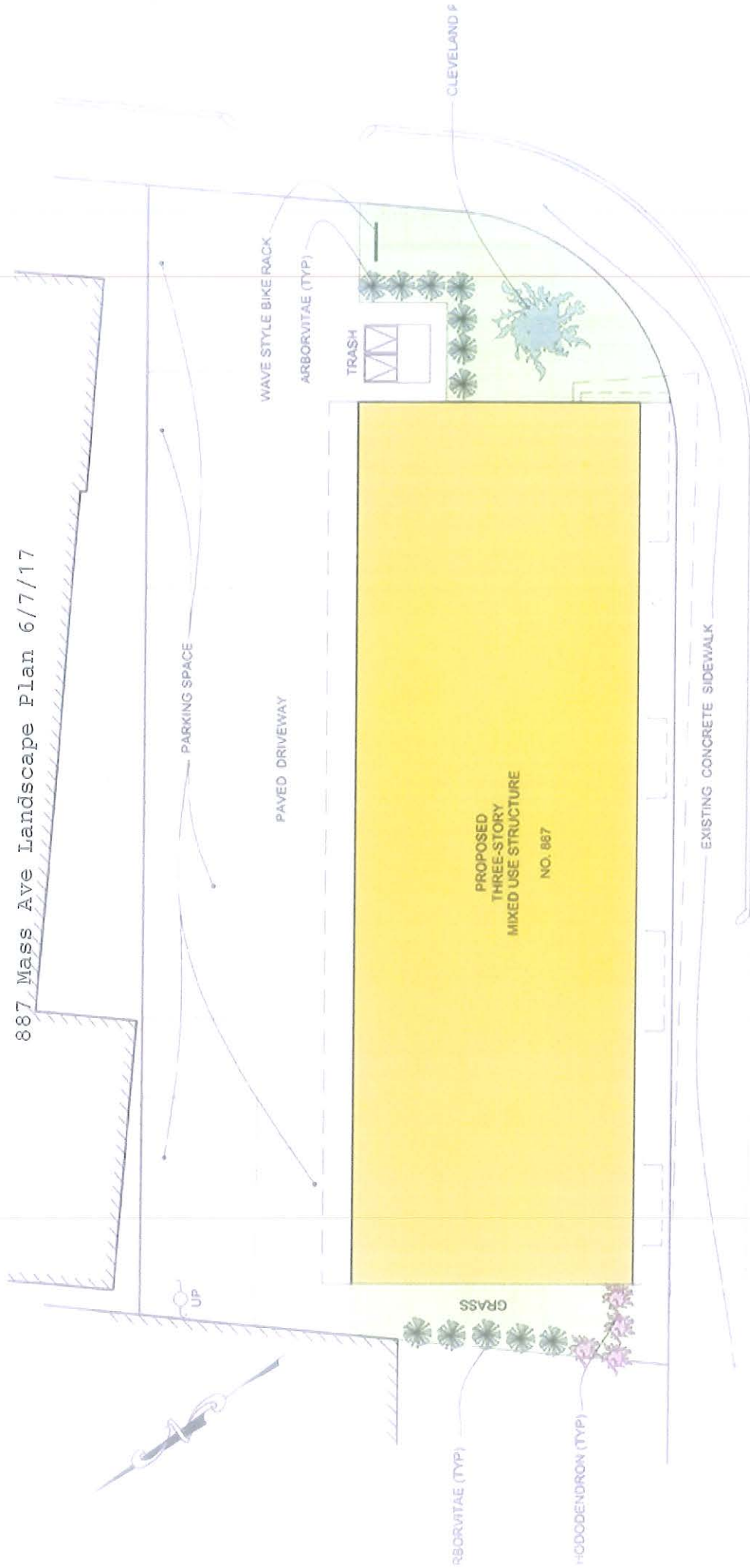




887 Massachusetts Ave, Arlington

West Elevation





in bloom

Rhododendron P.J.M.



Holmstrup  
Arborvitae



in bloom

Cleveland Flowering Pear







## ARLINGTON REDEVELOPMENT BOARD

TOWN HALL, ARLINGTON, MASSACHUSETTS 02476

781 - 316 - 3090

To: Arlington Redevelopment Board

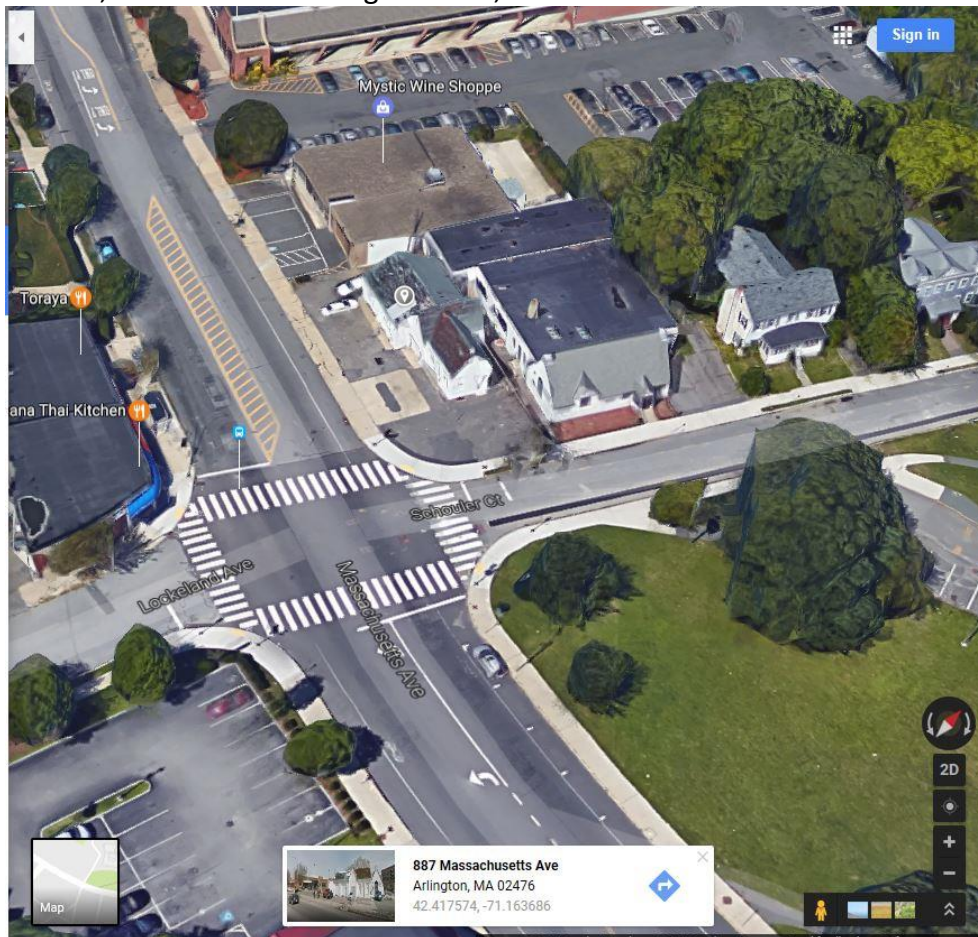
From: Jennifer Raitt, Secretary Ex Officio

Subject: Docket #3531, 887 Massachusetts Avenue, EDR Special Permit

Date: June 12, 2017

---

This is an application by Carowell, LLC (the Applicant) for a Special Permit to allow new construction of a mixed-use, residential and commercial, structure at 887 Massachusetts Avenue, corner of Schouler Court, in the B2A Major Business District. Special Permits are needed under Section 5.04 Table of Use Regulations to allow Mixed-Use in the B2A zone, Section 8.07(a) Parking in Commercial Districts, 8.12(c) to allow modification of Parking and Loading Space Standards, and Section 11.06, Environmental Design Review, due to its location on Mass. Ave.



The lot on the corner of Mass. Ave. and Schouler Court is 6,196 square feet (sf). The Applicant proposes to demolish the existing vacant building and construct a three story building consisting of three commercial units on the ground level totaling 2,477 sf, and two, two-bedroom residential units on each of the second and third floor, for a total of four residential units.

The parking requirement for the property is six parking spaces—1.5 for each residential unit. No parking is required for the first floor commercial space because it is less than 3,000 sf.

**Section 10.11a-1      The uses requested are listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Bylaw.**

Mixed-use, containing residential and commercial uses, is allowed in the B2A district by Special Permit. The Board can find that this condition is met.

**Section 10.11a-2      The requested use is essential or desirable to the public convenience or welfare.**

The property has been vacant and deteriorating for many years. The proposed use will remove an unattractive blighted property marked as a threat to public safety and enclosed with a chain-link metal fence. The commercial uses on the ground floor will complement the other businesses on that block, which include Stop & Shop and Mystic Wine and Spirits. There remains one more vacant property on that block, which is a former garage. The redevelopment of this property will improve the appearance of the block and might help leverage the development of the vacant garage. The addition of four residential units above the stores could provide new customers for the businesses in the area. The building's proximity to the High School and surrounding B2, B4 and R6 zones make this a good location for both residential and commercial uses. The Board can find that this condition is met.

**Section 10.11a-3      The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.**

The use is modest in size, with less than 3,000 sf of commercial space and four residential units, so it will have minimal to no impact on traffic. Six parking spaces are provided for the residential units, which should be ample considering the location is in close proximity to mass transit and the Minuteman Bikeway. No parking is required for the commercial space. The Applicant has proposed that the residential parking be made available to the commercial employees during weekdays. This provision should be part of the Special Permit, incorporated into the condominium documents or leases, with signs to this effect posted in the parking lot. Commercial customers can be expected to park on the street, as they do for other stores on Mass. Ave. Because the property is on a corner, the Applicant needs a Special Permit to allow one of the parking spaces to be within the front yard facing Schouler Court, which is the less congested street frontage. The entrance is also within 50 feet of the intersection with Mass. Ave. The Applicant must specify how cars will exit the site onto Schouler Court, as required in Section 8.12(b)(4). All of these conditions can be allowed by Special Permit, but the Board may wish to request additional information.

**Section 10.11a-4**      **The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.**

The development will result in a reduction of 600 sf of impervious surface, and includes a stormwater recharge system. The Board can find that this condition is met.

**Section 10.11a-5**      **Any special regulations for the use, set forth in Article 11 are fulfilled.**

The Environmental Design Review standards of Section 11.06 are evaluated below.

**EDR-1 Preservation of Landscape:** **The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

A modest landscaping plan is provided. There is one tree on the corner of Schouler Court. The western lot line of the property is screened from the abutter with arborvitae and rhododendron. The parking area has no landscaping or screening, though none is required because it does not abut residential property. The Board can find that this condition is met, but may wish to request additional landscaping.

**EDR-2 Relation of the Building to the Environment:** **Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R-1 or R-2 district or on public open space.**

The site is located on a commercial block. It is also very close to the High School and abuts a commercial building that is proposed to house a spin cycling studio and additional offices/businesses. The proposed building is taller than abutting structures, but because of its corner location will provide a prominent presence, and could be a catalyst for future development and redevelopment. The Board can find that this condition is met.

**EDR-3 Open Space:** **All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.**

The landscaping on the lot is fairly minimal, but is designed to be visible to pedestrians and traffic on Mass. Ave. While there is not a lot of open space on this lot, it directly abuts, across Schouler Court, a large open area that is part of the High School lawn. The Board can find that this condition is met.

**EDR-4 Circulation:** **With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in**



relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The driveway accessing the parking lot is located on Schouler Court, so as not to interfere with traffic on Mass. Ave., including buses, cars, bikes and pedestrians. An existing curb cut on Mass. Ave. will be abandoned. The sidewalk in front of the building is about 8 feet wide and could provide an area for sidewalk seating. The parking area is constrained. Though bicycle parking is not required, an outdoor bicycle rack is provided near the entrance to the parking lot. The Board can find that this condition is met.

**EDR-5 Surface Water Drainage:** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 10.11,b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

The existing site is 100% covered by impervious surface. The proposal will result in a reduction in impervious surface of 600 sf. The Applicant has submitted a Stormwater Mitigation Plan providing for subsurface stormwater management. The Plan has been reviewed and approved by the Town Engineer. The Board can find that this condition is met.

**EDR-6 Utilities Service:** Electric, telephone, cable, TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

The utilities are provided on site, though not underground. An exterior trash receptacle will be provided off Schouler Court near the driveway. The Board can find that this condition is met.

**EDR-7 Advertising Features:** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

A sign band is incorporated above the first floor storefronts along Mass. Ave., with an awning/overhang above it. This will provide shading on the south-facing side, but may darken storefronts. Individual business signs will need to be approved by the Board.

**EDR-8 Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The trash receptacle is screened with arbor vitae. There are no other accessory buildings. The Board can find that this condition is met.

**EDR-9 Safety:** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The parking facility and public spaces on site will be well-lit. Redevelopment of this long-vacant property will increase the feeling of safety in the immediate neighborhood. The Board can find that this condition is met.

**EDR-10 Heritage:** With respect to Arlington's heritage, removal or disruption of historic, traditional, or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The existing building and property are not located on any local or State historic property listing. The Board can find that this condition is met.

**EDR-11 Microclimate:** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall

**endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**

The reduction of pavement and addition of landscaping will improve the microclimate and reduce the heat island effect. Many of the abutting lots are completely paved, with buildings built right to the lot line. This development will improve upon that condition by providing landscaped setbacks at the corner and on the western edge of the property. The Board can find that this condition is met.

**EDR-12 Sustainable Building and Site Design: Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.**

The project location is a sustainable site. It is already developed, close to transit, and will rely on existing utilities and infrastructure. It will employ stormwater management techniques, and by reducing the paved area, reduce heat island effect. It will provide both water and energy efficiency. The Board can find that this condition is met.

**Section 10.11a-6      The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.**

Both the commercial and residential uses are appropriate for this location, which has commercial in the immediate area and residential across Mass. Ave. The Board can find that this condition is met.

**Section 10.11a-7      The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.**

The addition of four two bedroom units on this site will help meet the strong demand for housing in Arlington. The commercial spaces will also meet a need for modern commercial space, and will complement the surrounding commercial uses. The Board can find that this condition is met.

If the permit is granted, it is recommended that it incorporate the following conditions:

### **General Conditions**

1. The final plans and specifications for the site, including all buildings, signs, exterior lighting, exterior materials, and landscaping shall be subject to the approval of the Arlington Redevelopment Board. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.



2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner or occupant and shall be accomplished in accordance with Town Bylaws.
4. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
5. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development.
6. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
7. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
8. Residential parking shall be made available to commercial employees during the day. Satisfactory evidence of this provision shall be provided to the Director of Planning and Community Development prior to issuance of an occupancy permit. Implementation may include signage and inclusion in condominium documents or leases.



## Town of Arlington, Massachusetts

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### Zoning Bylaw Recodification – 1st Reading Bylaw Update

#### Summary:

7:30-9:10 p.m. Board member will discuss Environmental Design Review and Signs.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	RKGAringtonZoningReview.pdf	RKG Zoning Review
▢	Reference Material	FirstReadingDraft04252017.pdf	First Reading Draft

## MEMORANDUM

TO: Jennifer Raitt  
Laura Weiner, AICP  
FROM: Judi Barrett  
RE: Arlington Zoning Review and Reorganization Framework  
DATE: February 28, 2017  
CC: Eric Halvorsen, Bob Mitchell

The purposes of this memo are to present comments on Arlington's Zoning Bylaw (ZBL) and provide a framework for recodification and reorganization.

### A. ZONING COMMENTS

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As the Town already knows, RKG provided an overview-level critique of the ZBL as part of our work on the Arlington Master Plan. We will not repeat those comments here unless we think it is important to emphasize a particular point or reinforce comments we heard during the audit phase of our current contract with you. With this in mind, we offer the following additional comments.

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#### General Comments

- Throughout the ZBL, there are left-margin references to town meeting dates that need to be removed. The references are very confusing because they make it difficult to see transitions in section headings and subheadings and they disrupt the flow of the ZBL.
- The indentation of sections, subsections, and subordinate subsections is inconsistent. As a result, where sentences and paragraphs belong is not always clear.
- The ZBL contains many long, wordy paragraphs that should be divided into smaller paragraphs with short subheadings or (preferably) edited and condensed wherever possible.
- The ZBL contains many instances of imprecise and vague language and "legalese," all of which need to be cleaned up and edited to improve readability.
- Since the ZBL will be available online in PDF format, it should have hyperlinks to cross-reference internal sections and external content such as state laws.
- The existing illustrations need to be rethought, rewritten, redesigned etc. There are many opportunities for new illustrations as well.



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### **Table of Contents**

- Several section numbers have an asterisk attached (they have that within the actual sections as well). We did not find any explanation for the asterisk.
- The Table of Contents numbering system is slightly off. For example, see 6.20a, 7.05a, 8.07a. This should be cleaned up in the recodification (the entire numbering system needs to be revised).

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### **Article 1. Title, Authority, and Purpose**

- 1.02. Zoning is adopted under the authority of the Home Rule Amendment, not Chapter 40A.
- 1.03. Purpose. This is one example of a very long “Jamesian” paragraph. The first sentence consists of 177 words! It should be divided into subsections, bullet points, or similar format changes.

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### **Article 2. Definitions**

- 2.01 Definitions; General Comments.
  - The entire section needs updating, editing, and clarifying and to be made consistent with the land use terms and other terms in the rest of the ZBL. Also, any illustrations located within the Definition section should appear next to the terms they are illustrating.
  - Some defined terms have asterisks attached. Again, we did not find any explanation of the asterisks.
- 2.01 Definitions; Specific Comments.
  - Restaurants. The same or similar topics and terms should be combined with others that start with the same letter. Example: the current definition section has Drive-in Fast Service Establishment, Fast-Order Food Establishment, and Restaurant. Define these as “Restaurant – Fast Food; Restaurant – Fast Order; Restaurant, etc.
  - Hotel. The hotel definition is out-of-date for today’s hotel market and types of amenities often included (hotel suites with kitchens for example.)
  - Loading Space includes a waiver provision by the Building Inspector. This is an odd place for waiver language (it should be in the Off-Street Parking and Loading regulations).
  - Notice; this should be moved to the list of other sign types.
  - Open Space, Landscaped contains imprecise language. What “level” does this refer to: floor level, roof level, etc.?
  - Rehabilitation Residence. This is not the correct term for the use described – is it?
  - Special Permit should identify “the Board.”

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### **Article 3. Establishment of Districts**

- General Comment. This is more than the scope of recodification, but the Town needs to examine the need for so many different districts.
- Sections 3.01 and 3.02 should include the Overlay Districts.

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### **Article 4. Interpretation and Application**

This entire section should be incorporated into a larger Administration and Enforcement section.

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### **Article 5. Use Regulations**

- 5.05. Home Occupation. The language here should be consistent with the language in the Home Occupation definition in Article 2.
- 5.04. Table of Uses. Generally, the format needs to be revised so the table will be easier to read and use. It needs horizontal lines, colors, font size differences, etc. The list of uses and the language used for some of those uses should be revised and updated, and terms listed in the Table of Uses should be consistent with use terms listed in the Definitions section.
- 5.04 Table of Uses needs another numbering system (if any) other than 1.01, 1.02, 2.01, etc., as these numbers are used throughout the ZBL as section numbers. In addition, the numbering system needs to be corrected to put numbers in sequential order, rather than, for example, 1.02 and 1.02a.
- 5.04, items 2.07 and 2.10 include uses that cannot be required to obtain a special permit. These items have to be rewritten to distinguish between non-profit religious and educational uses and other uses.
- 5.04, Agricultural, needs to be rewritten to conform to G.L. c. 40A, § 3.
- 5.04, item 4.06. United States is not subject to local zoning, so federal uses cannot be required to obtain a special permit.
- 5.04, item 4.08. Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private gainful business. What does "country" mean?
- 5.04, item 4.14. Is "Conservation Land" allowed only in the OS district?
- 5.04, item 5.01. Reference to "railroad station" is obsolete and can be removed.
- 5.04, item 5.09. In the Table of Uses, bikeways are only allowed in the OS district. However, the Minuteman Bikeway crosses multiple districts.
- 5.04, item 5.10. This use is not allowed in any district. Is the omission an error in the Table of Uses?
- 5.04, items 5.11a and 5.11b. We question the legality of allowing only public buildings to be used for wireless facilities in three districts.
- 5.04, item 5.11c. We are not clear what this section means.

- Items 6.07, 6.07a, 6.08, 6.08a, 6.09, 6.09a, 6.12-6.15, and 6.18 and 6.18a should be rewritten to be “cleaner” in language and format. (This problem exists throughout the Table of Uses.)
- Item 7.10 reads as if the Board of Health is granting the special permit.
- Item 8.02 appears to violate G.L. c. 40A, § 3.
- Item 8.07. Delete use of the male pronoun.
- Item 8.21. What is a “head end” site?
- Item 8.24 should be moved to the signs section of the ZBL.

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#### Article 6

- 6.01b. We have questions about how this could be enforced as well as its legality.
- 6.02. Is this section still required? Do local wetlands regulations and state regulations supersede?
- Table of Dimensional & Density Requirements, General Comment: this table should be restructured as to format for easier reading, etc.
- The Table and Sections 6.06, 6.08 thru 6.30. We have not spent a lot of time reviewing these sections because they need global editing. In general, though, there seems to be exceptions to exceptions to the standards in the Table. The whole section is hard to follow on first (or second) glance.
- 6.08. This is the “famous” 750 sq. ft. addition provision. We heard lots of criticism of this section from interviewees. It needs to be rethought and probably rewritten, but it is more of a policy issue than anything else.
- 6.12d “... in accordance with the development plans and policies of the Town of Arlington”. What would those plans and policies be? The language is extremely vague.
- 6.13 “height buffer.” The diagram is not readable and does not seem to be understandable to people.
- 6.16. This section is for screening requirements. It should be in a Landscaping section of the ZBL, not in the Dimensional section.
- 6.18. Put this information in a well-formatted table.
- 6.18. The paragraph after the list of setbacks on page 73 includes a variety of topics. This should be disaggregated into subsections or bulleted points.
- 6.21. The diagram on page 75 refers to Section 6.21b, but we did not find a Section 6.21b
- 6.26 and Diagram. We find all of Section 6.26 difficult to follow and very confusing. We assume someone understands all the formulas for calculating height in this section. The diagram does not help.

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#### Article 7. Signs.



- General Comments. This section needs to be updated, including to reflect the *Reed v. Gilbert* case, adding a table of sign types and dimensional requirements, adding illustrations/photos. In addition, there are numerous references to “free-standing” signs, but we only found height limits for some of those references. What are all the height limits for any free-standing sign?
- 7.03j. This section violates the *Reed* ruling.
- 7.04g. This prohibits signs for home occupations, yet some of the home occupations allowed by the bylaw would need a sign (e.g., doctor’s office).
- 7.04i. Prohibits signs with registered trademarks. We do not understand this.
- 7.05a. This seems very unfriendly to a bed and breakfast, with no lighting allowed and a sign that cannot be located at the drive/sidewalk entrance.
- 7.07a. Why not allow bracket signs in other business districts, given the multiple zoning districts in the Massachusetts Avenue commercial corridor, and other local commercial areas? (We heard this as an issue in the interviews, too.)
- 7.08. Change the use of personal pronoun in paragraph at the bottom of page 86. The Director could be (and in fact is) a she and not a him (“his”).
- 7.10. The nonconforming sign limitations on rewording, repainting etc. (and then losing nonconforming status) is questionable. We will ask Bob Ritchie to weigh in on this, but the Town should check with Town Counsel as well.

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#### **Article 8. Off-Street Parking and Loading Regulations**

- General Comments. This section could be better organized. It should include illustrations/diagrams, and the numbering system needs to be reworked to include sequential numbers and not sometimes numbers and letters (example 8.07a and 8.07b), as often happens elsewhere in the ZBL, too. In addition, the Table could be rewritten to have far fewer words and to be more easily readable.
- Table of Off-Street Parking Regulations and Table of Uses (Article 5). What uses, if any, are missing from the Table of Off-Street Parking Regulations and should be included?
- 8.07. Prohibition of parking in the front setback is problematic (as we heard in the interviews). This may need more review and discussion.
- 8.07a. “Commercial” should be rewritten as “Business” in the title.
- 8.08. Include the regulations of commercial vehicle parking here in the parking section.
- 8.12a(10). The beginning of title is in a different font than the bylaw font. Is this intentional?

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#### **Article 9. Nonconforming Uses, Structures, and Lots**

- General Comment. We heard concerns about this section during the interviews, but the comments tended to be somewhat non-specific. We will need to review Article 9 in greater detail with the Building and Planning Departments. At the very least, Article 9 needs to be updated and revisited in light of recent case law.

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#### **Article 10. Administration and Enforcement**

- General Comments. The content of Article 10 should be moved to beginning of the ZBL. In addition, there are many long sentences and paragraphs with multiple topics. They should be reorganized into smaller numbered subsections for ease of reading.
- 10.02. We recommend not going into detail about what plans should be submitted. Any changes, additions, deletions desired over time by the staff would require going back to town meeting. Provisions such as this should be in rules and regulations.
- 10.05 duplicates Section 7.08.
- 10.10c. This seems to allow use variances as it mentions uses only, but it does not mention dimensional variances. This section should be rewritten for clarity.
- 10.10e (1)-(4). Much of this language should be removed from the ZBL and placed in ZBA rules and regulations.
- 10.10e (5). This section should have a heading, "Repetitive Petition," and it needs to be revised to add the second requirement of a finding of: "specific and material changes in the conditions upon which the previous unfavorable action was based."
- 10.11. The first paragraphs should have a numbering system assigned to them and the information within should be disaggregated.
- 10.11 b-c. Most of this language consists of procedural and/or plan requirements. It should be moved to the ZBA's rules and regulations.
- 10.12. Variances. This section should be included in section 10.10c (see comments above).
- Illustrations. The illustrations on pages 112 and 113 are barely readable. We also question whether the special permit diagram is accurate.

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#### **Article 11. Special Regulations.**

- 11.04. General Comment: some sections of the Floodplain District are decades old. We believe this district needs further updating to reflect current FEMA regulations and possibly other requirements as well. Also, each subsection (a, b, c, d etc.) has an all capital letter heading – a style that is not used in most of the rest of the ZBL. This is another example of a format consistency issue.
- 11.05. Inland Wetland District. We have the same comments as in 11.04 above. In addition, what is the relationship between the regulations of the Inland Wetland District and the Conservation Commission's wetland regulations?
- 11.06, Environmental Design Review. We have several comments:
  - b.1a-i and b.2, b.3, and b.4 are uses that require EDR. They could all be put into a simple table for ease of use by the reader.
  - c.1 or c.2. It is unclear where the long paragraph in the middle of page 124 falls under in the numbering scheme. Its indentation does not clarify that question. The same applies to two smaller paragraphs directly above the long paragraph.

- 11.06c.1. The long paragraph in middle of page 124 is all procedural language. Again, this kind of language can be moved to the ARB's rules and regulations.
- 11.06d. This language is mostly what is required for plan submittal and it should be removed to rules and regulations.
- 11.06e This is mainly procedural language that should be moved to rules and regulations.
- 11.07. The language here identifies several requirements for plan filing, but it is not clear who the plans are filed with and who is acting on them.
- 11.08. Two general comment. First, this is another section with all cap headings, so the format is inconsistent. Second, we wondered how well this section is working to produce affordable housing (a policy issue, we realize).
- 11.09. This should be deleted because it no longer applies.

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#### **Article 12. Amendment, Validity, Effective Date**

- General Comment. Include the content of this article with the section on Purposes and Authority.

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#### **Missing Provisions**

We did not find the following provisions in Arlington's ZBL:

- Medical marijuana
- Airbnb
- Solar facilities



## **B. SUGGESTED FRAMEWORK FOR REORGANIZATION**

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  - 1.4. Applicability
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  - 4.4. Table of Use Regulations
5. Nonconforming Uses and Structures
6. Dimensional Regulations
  - 6.1. General
  - 6.2. Dimensional Standards
  - 6.3. Table of Dimensional and Density Requirements
7. General Regulations
  - 7.1. Off-Street Parking and Loading
  - 7.2. Landscaping
  - 7.3. Lighting
  - 7.4. Signs



- 8. Special Regulations<sup>1</sup>
- 9. Special District Regulations
  - 9.1. Floodplain District
  - 9.2. Open Space District
- 10. Definitions

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<sup>1</sup> Here, for example, is where the town's Affordable Housing regulations would be located. Home Occupations and other uses that are subject to certain conditions or performance standards should be placed here as well.

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## Appendix I: Zoning Audit



FIRST READING DRAFT  
REVISED ARLINGTON ZONING BYLAW 04-25-2017

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## **SECTION 1. PURPOSE AND AUTHORITY**

### **1.1. TITLE**

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This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

### **1.2. PURPOSES**

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This Bylaw is enacted in order to promote the general welfare of the Town of Arlington; to protect the health and safety of its inhabitants; to support the most appropriate use of land throughout the town, and to further the goals and policies of the Arlington Master Plan, and to preserve and increase the amenities of the town, all as authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.<sup>1</sup>

### **1.3. AUTHORITY**

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This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A and any and all amendments thereto.

### **1.4. APPLICABILITY**

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All buildings or structures hereinafter erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, shall be in conformity with the provisions of these Bylaws. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which such building, structure, or land is located. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

### **1.5. AMENDMENT**

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This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, Section 5.

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<sup>1</sup> We recommend that you do surgery on your existing Section 1.03. The less you say here, the less you tie your hands ... Most of the purposes listed in Section 1.03 simply repeat Chapter 808 anyway.



**1.6. SEVERABILITY**

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The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

## **SECTION 2. DEFINITIONS**

*(This section has not been edited. The definitions are here so we can work on them. However, some definitions are highlighted because the need discussion.)*

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

**Abandonment:** The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

**Adult Uses:** All those uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

**Alteration:** Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

**Apartment House:** A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

**Arlington Redevelopment Board:** The Arlington Redevelopment Board which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

**Artisanal Fabrication:** Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 5,000 square feet of gross floor area. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet

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shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

**Artistic/Creative Production:** Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content & applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

**Assisted Living:** A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance.

**Awning:** A rooflike covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

**Basement:** A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four feet six inches or more above the average finished grade.

**Bed and Breakfast:** A dwelling in which lodging units are rented and breakfast is served to the people occupying the lodging units, and which has a resident owner or manager.

**Bed and Breakfast Home:** A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent.

**Boarding House; Boarding Home:** A house in which a regular service of meals is furnished for persons for a remuneration.

**Building:** A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

**Building Step Back:** Upper story building setback provided along all building elevations with street frontage, excluding alleys.

**Building, Accessory:** A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building, or on an adjacent lot in the same ownership.

**Building Area:** The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.



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**Building, Attached:** A building having any portion of one or more walls in common with adjoining buildings.

**Building Coverage:** The building area expressed as a percent of the total lot area.

**Building, Detached:** A building having open space on all sides.

**Building, Setback Line:** The line established by this Bylaw, beyond which a building shall not extend, except as specifically provided by this Bylaw.

**Building, Nonconforming:** A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is located.

**Carport:** A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

**Catering:** Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location.

**Catering Service:** Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site.

**Cellar:** A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

**Certificate of Occupancy:** A statement signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

**Commercial Vehicle:** Any truck, including but not limited to stepvans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

**Common Land:** A parcel or parcels of open space in a Planned Unit Development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways,

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public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

**Conservation Land:** A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

**Court:** An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

**Court, Inner:** A court surrounded on all sides by the exterior walls of a structure.

**Court, Outer:** A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

**District:** A zoning district as established by Article 3 of this Bylaw.

**Dormitory:** A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semipermanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

**Drive-In Food Service Establishment:** A fast-order food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.

**Driveway:** An open space, which may be paved located on a lot, which is not more than 20 feet in width built for access to a garage, or off-street parking or loading space.

**Duplex House:** A building containing two dwelling units joined side by side, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purpose of determining yard requirements.

**Dwelling:** A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, mobile home, or dormitory.

**Dwelling Unit:** One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

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**Erected:** The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged and moved.

**Essential Services:** Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.

**Family:** An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a family. For purposes of controlling residential density, each such group of four individuals shall constitute a single family.

**Fast-Order Food Establishment:** An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

**Floodline:** The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer, qualified in drainage.

**Floor Area Ratio:** The ratio of the gross floor area to the total area of the lot.

**Frontage:** The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

**Garage, Private:** Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

**Garage, Auto Repair:** Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained, but not including body work or painting.



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**Garage, Public:** Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

**\*Gross Floor Area:** The sum of the gross horizontal areas of all the floors of a principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two buildings, including:

- a. elevator shafts and stairwells on each floor,
- b. that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (4), below;
- c. interior mezzanines, and penthouses;
- d. basements except as excluded in (2), below; and cellars in residential use;
- e. all weather habitable porches and balconies; and
- f. parking garages except as excluded in (1), below;

but excluding:

1. areas used for accessory parking garages, or off-street loading purposes;
2. that part of basements devoted exclusively to mechanical uses accessory to the operation of the building;
3. open or lattice enclosed exterior fire escapes;
4. attic space and other areas for elevator machinery or mechanical equipment accessory to the operation of the building; and
5. porches and balconies.

**Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height.

**Health Club:** An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

**Height of Building:** The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. In the R0, R1 and R2 zoning districts where the lot has a slope in excess of 5 percent, the height is the vertical distance of the highest point of the roof above the average finished grade of the ground adjoining the building as computed before the building is actually erected. This definition excludes penthouses, bulkheads, and other allowable superstructures above the roof line.

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**Home Occupation:** An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there is to be no retail sale of merchandise on the premises. Such use shall be carried on by the occupants of the dwelling unit in compliance with the provisions of Section 5.05 and shall not in any manner change the residential character of the building. Home occupations do not include such uses as barber shops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.

**Hospital:** An institution certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

**Hospital, Veterinary:** A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

**Hotel:** A building or any part of a building containing rooming units without individual cooking facilities except for coffee makers, cook plates, and microwave ovens for transient occupancy and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

**Inspector of Buildings:** Inspector of Buildings, Arlington, Massachusetts.

**Junk:** Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

**Junk Yard:** The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

**Loading Space:** An off-street space at least 12 feet in width, 50 feet in length and with a vertical clearance of at least 14 feet, having an area of not less than 1,300 square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Inspector of Buildings to not less than 300 square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

**Lodging Unit:** One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, bed and breakfasts, bed and breakfast homes, lodging houses, tourist homes or rooming houses. It shall not include

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convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

**Lot:** An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds. A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership.

**Lot, Corner:** A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.

**Lot, Interior:** A lot, the side lines of which do not abut on a street.

**Lot Line, Front:** The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

**Lot Line, Rear:** Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

**Lot Line, Side:** Any lot line not a front or rear lot line.

**Lot, Nonconforming:** A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.

**Lot, Through:** A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

**Marquee:** A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

**Medical Marijuana Treatment Center:** A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes”

**Membership Club:** A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

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**Mixed Use:** A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

**Notice:** Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

**Office:** A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts his professional business.

**Open Space:** A yard including sidewalks, swimming pools, terraced areas, patios, playcourts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

**Open Space, Landscaped:** Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

**Open Space, Usable:** The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than 8 percent and (2) no horizontal dimension is less than 25 feet.

**Outdoor Storage Area:** A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

**Owner:** The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

**Parking, Accessory:** Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Article 8.

**Penthouse:** An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than (33 1/3 percent of the roof area.



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**Planned Development:** A development involving the construction of two or more principal buildings on the same lot for any permitted use.

**Recreational Trailer or Vehicle:** A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
- b. **Pick-Up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. **Motorized Camper:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

**Rehabilitation Residence:** For the purposes of this Bylaw, a building licensed or operated by the Commonwealth of Massachusetts as a Group Residence to provide residential care of alcoholic, drug or mental patients.

**Repair:** With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

**Research and Development Activities:** Establishments used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing.

The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

**Restaurant:** An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

**Rooming or Lodging House:** A building containing four or more lodging units.

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**Service Station:** A building or part thereof with no more than three service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments to parts or motor not involving removal of head, crankcase or racing motor.

**Setback:** The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded by Section 6.19.

**Shared Vehicle:** A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

**Sign:** Any permanent structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction. This definition shall include signs located within a window when illuminated. Marquees, canopies, clocks, thermometers and calendars shall be subject to the provisions when used in conjunction with signs as defined above.

A sign shall be painted, posted or otherwise securely affixed to a substantial intermediate removable surface and, except for free-standing signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public .

**Sign, Accessory:** Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

**Sign Area, Area of a Sign, Signage:** The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

**Sign, Awning:** A sign applied directly to or incorporated as part of an awning.

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**Sign, Brackett:** A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

**Sign Canopy:** Rooflike covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

**Sign, Facing or Face:** The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

**Sign, Freestanding:** A sign not a part of or attached to any building but generally located elsewhere on a lot.

**Sign, Ground:** A free-standing sign located on or close to the ground, the top of which shall not be higher than four feet above the ground.

**Sign, Permanent:** Any sign as defined above, intended to be erected and maintained for more than 60 days.

**Sign, Portable:** A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

**Sign, Projecting:** Any sign which is attached to a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned

**Sign, Roof:** Any sign erected, constructed and maintained upon or over the roof of any building.

**Sign, Standing or Pole:** A free-standing sign not exceeding 15 feet in height with eight feet of clearance under the sign area and erected upon supporting devices or stands.

**Sign, Temporary:** Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed 60 days.

**Sign, Wall:** A sign not exceeding four feet in height securely affixed to a wall projecting no more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: (a) 25 feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

**Sign, Primary Wall:** A sign on the building face fronting on a street or parking lot frontage.

**Sign, Secondary Wall:** A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary

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wall signs shall not exceed 50 percent of the maximum possible area of the primary wall sign.

**Signs, Window:** Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25 % of the area visible from the exterior of the building.

**Special Permit:** A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Board and in accordance with provisions of Article 10.

**Special Permit Granting Authority:** The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 11.06 of the Zoning Bylaw, the Arlington Redevelopment Board.

**Story:** The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four feet six inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

**\*Story, Half:** A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area has a clear height of seven feet three inches or more.

**\*Street:** A public or private way which is 27 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

**Structure:** A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, or the like.

**Three-Family Dwelling:** A house containing three dwelling units.

**Town House Structure:** A row of at least three one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.

**Trailer:** Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately



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portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purposes of this Bylaw.

**Two-Family Dwelling:** A house containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. (See Duplex House.)

**Use:** The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

**Use, Accessory:** A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure use.

**Use, Nonconforming:** A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.

**Use, Principal:** The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Bylaw.

**Use, Substantially Different:** A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

**Variance:** Such departure from the terms of this Bylaw as the ZBA, upon appeal in specific cases, is empowered to authorize under the terms of Article 10.

**Wireless Communications Facility:** An assemblage of equipment intended to receive and/or transmit radio waves for the purpose of providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

**Yard:** An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall or building part not specifically excluded by Section 6.19 and a lot line. Structures which are below the finished lot grade, including shelters for nuclear fallout shall not be deemed to occupy required yards.

**\*Yard, Front:** A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

**Yard, Rear:** A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

**Yard, Side:** A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard

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to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeal: The Zoning Board of Appeals of the Town of Arlington, Massachusetts ("Board of Appeals").



## **SECTION 3. ADMINISTRATION**

### **3.1. ENFORCEMENT, VIOLATIONS, AND PENALTIES**

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- A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the interpretation and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector.
- C. No premises, and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. Such permit shall not be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw, and if applicable, a site plan certificate of completion shall be issued.
- D. Enforcement.
  - 1. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation. If upon investigation and inspection the Building Inspector finds evidence of a violation, he shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.
  - 2. If after notice and demand the violation has not been abated within the time set by the Building Inspector, he shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation of this Bylaw.
  - 3. If the Building Inspector determines that there is no violation, he shall give written notice of his decision to the complaining person within 14 days after the receipt of such request.
- E. Appeal. An appeal to the Board of Appeals may be taken by any person aggrieved by reason of inability to obtain a permit or enforcement action from the Building Inspector, as provided in G.L. c. 40A, § 8, as amended.
- F. Penalty.
  - 1. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, Section 21D, institute a non-criminal complaint(s). Each day in which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this Bylaw



shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.<sup>2</sup>

2. The Inspector of Buildings may also, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed \$300.00 for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

## **3.2. ZONING BOARD OF APPEALS<sup>3</sup>**

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### **3.2.1. Establishment.**

There shall be a Zoning Board of Appeals (“Board of Appeals”) consisting of five members and two associate members appointed by the Board of Selectmen. All members of the Board shall be residents of the Town of Arlington, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

### **3.2.2. Powers.**

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
- B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.
- C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 5.5.
- D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
- E. To hear and decide applications for comprehensive permits for construction of low or moderate income housing, as set forth in G.L. c. 40B, §§ 20-23.

### **3.2.3. Rules and Regulations**

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board’s regulations shall include rules for hiring outside consultants in accordance with G.L. c. 44, § 53G.

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<sup>2</sup> Should these fines be reviewed?

<sup>3</sup> This section has been significantly abbreviated. Much of the content in Arlington’s existing ZBL simply repeats Chapter 40A. It is unnecessary text.

#### **3.2.4. Fees**

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with its review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations.

#### **3.2.5. Repetitive Petitions**

No appeal, petition for a variance from the terms of this Bylaw, or special permit that has been denied by the Board of Appeals shall be considered again on its merits within two years after the date of the denial action except with the consent of all but one of the members of the Arlington Redevelopment Board.

### **3.3. SPECIAL PERMITS**

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#### **3.3.1. Special Permit Granting Authority**

In this Bylaw, the Board of Appeals and Arlington Redevelopment Authority have the power to grant special permits. The appropriate special permit granting authority is specifically designated where applicable.

#### **3.3.2. Procedures**

- A. Application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.<sup>4</sup>
- B. Public Hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

#### **3.3.3. Decision Criteria**

Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:<sup>5</sup>

- A. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.
- B. The requested use is essential or desirable to the public convenience or welfare.

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<sup>4</sup> Submission requirements should not be in the ZBL. They belong in the board's administrative rules and regulations.

<sup>5</sup> All of the decision criteria match what is in Arlington's existing ZBL.

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- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. Any special regulations for the use as may be provided in Section 9 are fulfilled.
- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.<sup>6</sup>

#### **3.3.4. Special Permit Conditions**

Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:<sup>7</sup>

- A. Dimensional standards more restrictive than those set forth in Section 7 of this Bylaw;
- B. Screening buffers or planting strips, fences, or walls;
- C. Modification of the exterior appearance of the structures;
- D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;
- E. Limitations on signage, noise, or hours of operation of construction equipment;
- F. Regulation of number and location of driveways, or other traffic features;
- G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;
- H. Deadline to commence construction;
- I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;

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<sup>6</sup> How is this determined?

<sup>7</sup> We've taken the liberty of adding some conditions here that are pretty standard in other ZBLs. Our additions are highlighted.

- J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;
- K. Term for years with or without automatic renewals, to the extent allowed by law;
- L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

### **3.3.5. Recording; Lapse**

- A. Special permits shall not take effect until recorded with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, as provided in G.L. c. 40A, § 11. Proof of recording shall be presented to the Building Inspector.
- B. Special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

## **3.4. ENVIRONMENTAL DESIGN REVIEW**

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### **3.4.1. Purposes**

The purpose of this section is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the Town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1 of this Bylaw.

### **3.4.2. Applicability**

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and a special permit in accordance with the Table of Uses (Table 2), or (b) alters the façade in a manner that affects the architectural integrity of the structure,<sup>8</sup> and c) is one of the uses listed below, a special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

- A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.

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<sup>8</sup> How is this determined, and by whom?



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- B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, constructed within a two-year period.
- C. Gasoline service stations.
- D. Lodging house, bed and breakfast, or bed and breakfast home<sup>9</sup> with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- E. Nonresidential uses and hotels or motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- G. Outdoor uses.
- H. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.
- I. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- J. Parking in the Open Space District.
- K. Medical Marijuana Treatment Center.

**3.4.3. Procedures**

- A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days<sup>10</sup> have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.
- D. A favorable decision by the Board shall require the votes of at least four members.

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<sup>9</sup> Delete "rehabilitation residence." As a use serving people with disabilities, it is exempt under G.L. c. 40A, § 3.

<sup>10</sup> 35 days in the statute, not 30 days.

- E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.

#### **3.4.4. Environmental Design Review Standards<sup>11</sup>**

The following standards shall be utilized by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

- A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
- C. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
- D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.1 that are safe and convenient and, insofar as

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<sup>11</sup> Other than some light editing, the Standards here are as written in the existing ZBL. However, we have this note from Laura: "Many of these criteria are still good, and a few can go. But the descriptions of the criteria are outdated and too specific, and may not reflect what we would look for today. They need to be more general." We can modify the standards, but we need some direction from the Town.

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practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

- E. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

After consultation with the Director of Public Works, the Board may require security satisfactory to the Board to ensure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, and so forth within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

- F. **Utility & Disposal Services.** Electric, telephone, cable television, and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
- G. **Advertising Features.** The size, location, design, color, texture, lighting, and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- H. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- I. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
- J. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

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- K. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.
- L. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED® performance objectives will be incorporated into the project.<sup>12</sup>

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<sup>12</sup> Do you want to retain these references to LEED?



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## **SECTION 5. ESTABLISHMENT OF DISTRICTS**

### **5.1. DISTRICTS**

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For purposes of this Bylaw, the Town of Arlington is divided into the following districts:

#### **5.1.1. Use Districts**

##### **A. Residential**

1. Residence 0 (R0)
2. Residence 1 (R1)
3. Residence 2 (R2)
4. Residence 3 (R3)
5. Residence 4 (R4)
6. Residence 5 (R5)
7. Residence 6 (R6)
8. Residence 7 (R7)

##### **B. Business**

1. Business 1 (B1)
2. Business 2 (B2)
3. Business 2A (B2A)
4. Business 3 (B3)
5. Business 4 (B4)
6. Business 5 (B5)

##### **C. Industrial**

Industrial (I)

##### **D. Special Districts**

1. Multi-Use (MU)
2. Planned Unit Development (PUD)
3. Transportation (T)

4. Open Space (OS)

**5.1.2. Overlay Districts**

Wetlands and Floodplain Overlay District

**5.1.3. District Purposes**

- A. R0 is a large lot Single-Family District with the lowest residential density of all districts and is generally served by local streets only.
- B. R1 is a Single-Family District in which the predominant uses are single-family dwellings and public land and buildings.
- C. R2 is a Two-Family District. The predominant use is a two-family dwelling and the district is generally served by local streets only. This district is generally within walking distance of goods and services on Massachusetts Avenue and Broadway.
- D. R3 is a Three-Family District with locations along Massachusetts Avenue and Broadway. It is intended primarily for three-family dwellings and no business uses.
- E. R4, the Town House District, is located along arterials or in the Arlington Center area. The predominant uses are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation.<sup>13</sup> Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses.
- F. R5 is a Low-Density Apartment District intended primarily for two- to three-story garden apartments located along or near principal arteries. Small-scale offices would be allowed on principal arteries only.
- G. R6 is a Medium Density Apartment District located primarily on portions of Massachusetts Avenue and Pleasant Street. The predominant uses are apartments up to four stories high and offices at a smaller scale.
- H. R7 is a High Density Apartment District with apartments up to 5 stories high and offices at the same scale. Locations are principally within or adjacent to Arlington center.
- I. B1 - Neighborhood Office District. The Neighborhood Office District is composed of all those areas so designated on the official zoning map. Predominant uses include one- and two-family residences, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. With most locations on or adjacent to Massachusetts Avenue, the district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher density, more active areas along the Avenue. Uses which would detract from the desired low level of activity, consume large

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<sup>13</sup> Note from Laura: "This is interesting. I don't know that it has accomplished this. We should allow this in all residential zones." Response from Judi: Agreed!

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amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged. Mixed-use structures without retail space are allowed in this district.

- J. B2 - Neighborhood Business District The Neighborhood Business District is composed of all those areas so designated on the official zoning map. Predominant uses include small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic. Locations are almost all along Massachusetts Avenue or Broadway. Uses which would detract from this small-scale business character, or otherwise interfere with the intent of this bylaw are discouraged. Mixed-use structures are allowed in this district.
- K. B2A - Major Business District The major Business District is composed of all those areas so designated on the official zoning map. Located along Massachusetts Avenue, Mill Street, Summer Street and Broadway, these areas generally contain uses that are retail and service to serve the needs of a large neighborhood area. Customers generally arrive by car so there is ample parking to serve the retailer. Housing is also permitted at a medium density due to the proximity of the zone to residential uses. Mixed-use structures are allowed in this district. Automotive uses; some office uses, wholesale business and storage uses are prohibited.
- L. B3 - Village Business District The Village Business District is composed of all those areas so designated on the official zoning map. Predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.
- M. B4 - The Vehicular Oriented Business District is composed of all those areas so designated on the official zoning map. Uses include establishments primarily oriented to automotive traffic which require large amounts of land in proportion to building coverage; or establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an overabundance of automotive and automotive accessory sales and service establishments; thus when one of these businesses closes, the conversion of the property to other retail, service, office or residential use is encouraged, particularly as part of mixed-use development, which is allowed in this district.
- N. B5 - Central Business District The Central Business District is composed of all those areas so designated on the official zoning map in Arlington Center. It includes retail, service, and office uses, and provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. Businesses which consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.



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- O. MU-Multi-Use The Multi-Use District is composed of all those areas so designated on the official zoning map. Districts must contain at least one acre. The district allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review.
- P. I - Industrial District The Industrial District is composed of all those areas so designated on the official zoning map. These areas in the Mill Brook Valley allow uses requiring the manufacture, assembly, processing or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. Residential uses, retail business uses, or uses which would otherwise interfere with the intent of this bylaw are discouraged. Mixed-use development is allowed in this district, without residential space.
- Q. T - Transportation District The Transportation District is composed of all those areas designated on the official zoning map. Principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this bylaw are prohibited.
- R. PUD - Planned Unit Development District The Planned Unit Development District is composed of that area so designated on the official zoning map. Large scale, multi-use development is permitted upon approval of a development plan and the assembly of a large amount of land.
- S. OS – Open Space District The Open Space District is composed of all those areas so designated on the official zoning map. The Open Space District is composed of parcels under the jurisdiction of Park and Recreation Commission, the Conservation Commission, the ARB, the MDC, or the MBTA. Structures where present are clearly accessory to the principle function of the property.

## **5.2. ZONING MAP**

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Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington" (the Zoning Map) on file in the Office of the Town Clerk and the Planning Board. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. Changes to the Zoning District boundaries are made the same way as amendments to the text of the Zoning Bylaw are made. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

### **5.2.1. Interpretation of District Boundaries**

The location of the boundary lines of districts shown upon the Zoning Map shall be determined as follows:<sup>14</sup>

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<sup>14</sup> Text in this section is exactly as it appears in the existing ZBL.

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- A. Where a boundary is indicated as a street, alley, railroad, rapid transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
- C. Where a dimensioned boundary or the actual property boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- E. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.
- F. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."
- G. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the ZBA.



## **SECTION 6. USE REGULATIONS**

### **6.1. GENERAL PROVISIONS**

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No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

### **6.2. ACCESSORY USES**

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An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

### **6.3. PERMITTED IN ALL DISTRICTS<sup>15</sup>**

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The following uses are permitted in all districts:

- A. Federal government use
- B. State government uses to the extent that this Bylaw would prohibit the exercise of an essential government function.
- C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

### **6.4. PROHIBITED USES**

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Any use not listed in Section 5.5, Table of Uses (Table 1), or otherwise allowable under the provisions of this Bylaw is prohibited.

All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all zoning districts.

### **6.5. TABLE OF USES**

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Table 1 Legend:

Y: A use permitted by right

N: A prohibited use

SP: A use that may be allowed by special permit

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<sup>15</sup> Having a section like this obviates the need to list exempt uses in the Table of Uses.

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## **SECTION 7. NONCONFORMING USES AND STRUCTURES<sup>16</sup>**

*General Comment: we have tried to reorganize Article 9 without substantially disturbing your existing policies. The existing ZBL hops back and forth between nonconforming uses and nonconforming structures, which is confusing, so we have tried to address that problem. Knowing how critical the section on nonconforming uses and structures is in every bylaw or ordinance, we urge you to read this draft Section 6 carefully and to compare it, as needed to your existing Article 9.*

### **7.1. APPLICABILITY**

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Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw or any subsequent amendments to it. However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a one-family or two-family residential structure does not increase the nonconforming nature of said structure. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible.

Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

### **7.2. NONCONFORMING USES**

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- A. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special

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<sup>16</sup> We have deleted Section 9.03, Residential Lot of Record, because it simply repeats the statute and does not need to be in the ZBL. It reads: "Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it has a minimum area of 5,000 square feet and a minimum frontage of 50 feet, and is otherwise in accordance with the provisions of the fourth paragraph of M.G.L. c. 40A, § 6, the Zoning Act." We can restore it if you wish, but we do not recommend it.

permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.

- C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40 percent of the floor area of the existing structure.<sup>17</sup>
- D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

### **7.3. NONCONFORMING STRUCTURES**

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#### **7.3.1. Nonconforming Single-Family or Two-Family Dwellings**

- A. A single or two-family nonconforming residential structure may be altered and the conforming use extended throughout the altered portion provided that the resulting alteration does not increase the nonconforming nature of the structure. An alteration that is completely within the existing foundation walls shall be deemed not to increase the nonconforming nature of the structure.<sup>18</sup>
- B. The extension of an exterior wall of a single or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing the extension does not create any new nonconformities or increase any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the Board of Appeals that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. In making such a finding, the Board shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.

#### **7.3.2. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings**

Except as provided in Section 6.2.3, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

- A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.
- B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.<sup>19</sup>

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<sup>17</sup> These paragraphs are from existing How have these sections worked for the Town? Do they need to be revised?

<sup>18</sup> Laura notes that this language has been controversial because it allows reconstruction within the existing footprint of a taller building without a special permit. The Town may impose more limits on the “by right” allowable extent of single-family alteration and reconstruction; it’s a policy issue. We have not changed the language because we understand there’s a separate committee working on proposed changes to the Bylaw.

<sup>19</sup> Existing 9.04(b).

- C. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- D. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot shall be conforming.<sup>20</sup>
- E. Except as covered under Sections X.XX [9.06] and X.XX [9.07], any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals or, in cases subject to Environmental Design Review in Section X.XX, the ARB.<sup>21</sup>

**7.3.3. Special Permit Uses; Repair, Reconstruction, Extension, or Alteration Involving a Non-Conforming Structure or Lot<sup>22</sup>**

Whenever a nonconforming structure or lot is occupied by a use that would require a special permit pursuant to X.XX and<sup>23</sup> X.XX<sup>24</sup> if such activity were to commence as a new use, then any reconstruction, alteration, addition, or extension of such use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued therefor, except:

- A. A damaged or unsafe structure occupied by a use that exists under previously granted special permit(s) may be repaired or reconstructed for that use in accordance with the same terms and conditions, if any, of the special permit(s).
- B. A damaged or unsafe structure occupied by a use that is not under previously granted special permit(s) may be repaired or reconstructed for that use only, provided that the cost of such repair or construction does not exceed 50 percent of the physical replacement value of the previously existing structure(s).
- C. Interior renovations shall not increase the gross floor area of the existing structure(s).
- D. A structure occupied by a use that exists under previously granted special permit(s) may be reconstructed, altered, or expanded provided that any addition does not exceed the lesser of 500 square feet or 25 percent of the gross floor area of the existing structure and that no reconstruction, alteration, or addition violates any condition(s) attached to the special permit for the use.

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<sup>20</sup> Existing 9.08.

<sup>21</sup> Existing 9.09.

<sup>22</sup> This needs careful review. It is substantially from existing 9.10, though we have tried to edit it to make it less wordy/easier to read. We found Sec. 9.10 very difficult to understand.

<sup>23</sup> And, or or?

<sup>24</sup> These refer to existing Sec. 5.04 and 11.06.

None of the above-listed exceptions shall exempt any construction under this section from compliance with all dimensional, density, parking, landscaping, or other provisions of this Bylaw.

#### **7.4. REDUCTION OR INCREASE**

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- A. Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless the special permit granting authority has permitted an alteration to the property pursuant to Section X.XX.<sup>25</sup> This section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.
- B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.<sup>26</sup>
- C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

#### **7.5. RESTORATION, ABANDONMENT, OR NON-USE**

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- A. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original use or a conforming use. If such restoration is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.
- B. Any nonconforming use or structure which has been abandoned, demolished without reconstruction, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.<sup>27</sup>

A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

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<sup>25</sup> Reference is existing 9.02(d).

<sup>26</sup> Section 9.05(c )

<sup>27</sup> Existing zoning also provides: "For agriculture, horticulture or floriculture, the abandonment period shall be five years."  
Retain?

## **SECTION 8. DIMENSIONAL AND DENSITY REGULATIONS**

This section closely tracks Arlington's existing Section

### **8.1. TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**

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Each use, building, or structure shall comply with the standards described in Table 2, Schedule of Dimensional and Density Regulations and further provisions of this Section 7, except where otherwise provided in this Bylaw.

### **8.2. GENERAL REGULATIONS**

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#### **8.2.1. Reduction of Lot Areas and Separation of Lots**

A. The minimum lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Bylaw, nor may these areas include any property the ownership of which has been transferred after the effective date of this Bylaw if such property was part of the area required to comply with the dimensional regulations that applied to the lot from which the transfer was made.

B. Lots shall not be separated or transferred in ownership so as not to comply with this Bylaw.

#### **8.2.2. Setback from Open Stream<sup>28</sup>**

Except for a retaining wall, wharf, fence, or bridge, all buildings or structures shall be set back at least 15 feet from the embankment of any open stream; however, for construction in accordance with special permits issued under Section X.XX in the Flood Plain District or Section X.XX in the Inland Wetland District, the setback may be less than 15 feet.<sup>29</sup>

#### **8.2.3. Spacing of a Residential Building on the Same Lot with Another Principal Building**

A. Where two or more main buildings to be used as dwellings are proposed for construction on property in one ownership, or where one or more such buildings are proposed for construction on property that has one or more existing residential buildings, the minimum required front, side, and rear yards shall be provided between each building and assumed lot lines shall be shown upon the building permit application. However, the Board of Appeals or, in cases subject to Section X.XX [EDR], the Arlington Redevelopment Board, may grant a special permit to modify the yard dimensions between buildings that are designed and intended to remain under the same ownership and management, provided the

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<sup>28</sup> Should this entire section be removed? It seems more appropriate for the Flood Plain and Inland Wetlands Districts.

<sup>29</sup> Deleted: "Before voting to grant a special permit under either section, the shall first consult with the Conservation Commission." If this language is needed at all, it should be with the Flood Plain and Inland Wetlands sections.



result will provide the same light, air, sunlight, and amenity<sup>30</sup> as would yard dimensions that conform to Table 2.

- B. When a permitted main building to be used as a dwelling will be located on the same lot with and behind a permitted nonresidential building (including a building with commercial uses on the ground floor and residential uses above), each building shall be independently provided with the minimum required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.
- C. When a permitted main building to be used as a dwelling is to be located on the same lot with and beside a permitted nonresidential building, the minimum required front, side and rear yards shall be provided between each building. Assumed lot lines shown upon the building permit application.

#### **8.2.4. Spacing of Nonresidential Buildings on the Same Lot**

Where two or more main buildings for nonresidential uses are proposed for construction on property in one ownership, the minimum front, side, and rear yards are required only at lot lines abutting other property.

#### **8.2.5. Exceptions to Dimensional Requirements for Religious Uses and Exempt Educational Uses**

- A. The maximum floor area ratio requirements for religious uses or exempt educational uses shall be less restrictive than as specified in this Section 7 in the following respects:
  - 1. Where several lots in the same ownership and also in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all such lots may be aggregated in calculating floor area ratio.
  - 2. The floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the minimum lot area for the applicable district, up to a maximum of 50 percent.
- B. Under a special permit, the Board of Appeals or Arlington Redevelopment Board, as applicable, may allow further modifications in the dimensional requirements in this Section 7 to the extent necessary to allow reasonable development of religious uses or exempt educational uses in general harmony with other permitted uses in the vicinity.<sup>31</sup>

#### **8.2.6. Exceptions to Minimum Lot Size, Frontage, Open Space, and Side Yard Requirements in R0, R1 and R2 Districts**

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<sup>30</sup> This is unclear. What is the intent?

<sup>31</sup> I question the legality of this special permit requirement. Also, the existing language is, "... to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity."

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- A. The minimum lot size, frontage, open space and side yard requirements set forth in the Table 2 for residential uses in the R0, R1 and R2 districts may not apply to lots shown on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds prior to May 15, 1924. When such lots did not contain a principal building or if a building permit was not issued for construction on such lots prior to August [date?] 1975, they may be built upon for single or two-family residential use if permitted in the applicable district, provided that
1. The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
  2. The lot was not held in common ownership with any adjoining land, and
  3. The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
  4. The minimum open space requirements of this Section 7 are satisfied<sup>32</sup> and the requirements of Section 9.03, are satisfied.
- B. The minimum lot size, frontage, and side yard requirements in Table 2 for residential uses in the R2 district may not apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street which were shown on separate subdivision plans recorded with the Registry of Deeds prior to August [?], 1975. Such lots containing a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August [?], 1975, shall be considered building lots.

~~Buildings in Floodplains~~

~~Dimensional and density regulations shall apply to buildings located in floodplains. Additional regulations are contained in Section 11.04.<sup>33</sup>~~

**8.2.7. Large Additions in Residential Districts**

No alteration or addition permitted as a right or by special permit in an R0, R1 or R2 District which increases the gross floor area of a building by 750 square feet or more, or by 50 percent or more of the original building's<sup>34</sup> gross floor area, shall be allowed unless (i) the addition is constructed entirely within the existing foundation or (ii) the special permit granting authority finds that the alteration or addition is in harmony with other structures and uses in the vicinity. In making its determination, the special permit granting authority shall consider, among other relevant facts, the dimensions and setbacks of the proposed alteration or addition in relation to abutting structures and uses and determine its conformity to the purposes of this Bylaw as set forth in Section 1. Requests for building permits for additions or alterations which when

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<sup>32</sup> In the existing ZBL, this paragraph include the following clause: "... and the requirements of Section 9.03, are satisfied." It isn't here because Section 9.03, Residential Lot of Record, is not in the proposed Section 7, Nonconforming Uses and Structures.

<sup>33</sup> This is existing Section 6.07. It doesn't need to be here.

<sup>34</sup> What is the "original building"?

combined with an alteration or addition constructed during the previous two years would require a special permit finding shall be deemed to require such a finding.

### **8.3. LOT SIZE, FRONTAGE, AND LOT AREA PER DWELLING UNIT REGULATIONS**

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#### **8.3.1. Lot Area Per Dwelling Unit**

Minimum lot area per dwelling unit shall control the maximum number of dwelling units that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, when a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units shall be computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts, e.g., for parking as provided in Table 1, shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

#### **8.3.2. Sale or Lease of Lots in a Planned Unit Development**

A tract of land of at least 30,000 square feet in the Planned Unit Development (PUD) district may be leased or sold for development, following environmental design review under Section X.XX, in accordance with a PUD site plan without providing new setbacks for front, side, or rear yards. Each tract or lot leased or sold must provide for a principal building, off-street parking, and open space or plaza area as required in the PUD district.<sup>35</sup>

### **8.4. FLOOR AREA RATIO REGULATIONS**

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#### **8.4.1. Land Area Included in Calculation of Floor Area Ratio**

Land area to be included in the calculation of the maximum floor area shall include all contiguous lots under one ownership and in zoning districts with the same or greater maximum floor area ratio as specified in Table 2. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

#### **8.4.2. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)**

- A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit to allow a higher maximum gross floor area than is permitted under Table 2, subject to Section X.XX [10.11], Special Permits or Section X.XX [11.06] Environmental Design Review, and to the procedures, limitations, and conditions specified in this Section 7, for a lot (or part of a lot) that meets the following requirements:

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<sup>35</sup> If required in the PUD district, is it necessary to repeat it here?

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1. The lot (or part of a lot) is located in a district with a maximum floor area ratio of 1.2 or greater.
  2. When the principal use is residential, the lot (or part of a lot) is not less than 20,000 square feet. When the principal use is non-residential, no minimum lot size is required provided all other provisions of Section 7.4.2 are satisfied.
  3. Nonresidential properties listed as Contributing Structures in National Register Historic Districts shall be allowed an increase in floor area ratio up to a maximum of 2.6 by special permit from the Board of Appeals or Arlington Redevelopment Board, as appropriate.
- B. To aid the Board of Appeals in making the findings required in Section X.XX [10.11] and the Arlington Redevelopment Board in preparing the advisory report provided for in Section X.XX [11.06], the applicant shall submit the materials required by Section X.XX [11.06] in addition to the usual drawings at the time of application.
- C. The additional gross floor area granted in accordance with this Section 7 shall not exceed the following percentages of the maximum gross floor area allowed under Table 2 except for Contributing Structures in National Register Historic Districts.

		<u>Districts</u>	
		R7, B5	R6, B2A, B4
<b>1</b>	Maximum allowable	33%	25%
<b>2</b>	Each condition		
	Large lot	25%	20%
	Low or moderate income	25%	20%
	Extra open space on lot	15%	10%
	Public access	15%	10%
	Preservation of Landmarks	15%	10%
	Large dwelling units	10%	5%

- D. The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit for additional gross floor area where any of the following conditions apply, subject to the limitations in subsection C above and in accordance with the development plans and policies of the Town of Arlington.<sup>36</sup> The additional gross floor area shall be calculated separately for each condition based on the gross floor area permitted in Table 2.
1. For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio specified in Table 2 at the rate of one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.

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<sup>36</sup> What does this refer to? It needs to be clear.

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2. Where dwelling units are subject to age, income, or pricing restrictions under a federal or state housing subsidy for low or moderate income housing, the gross floor area attributable to them may be allowed in excess of the gross floor area in Table 2.
3. Where landscaped open space or usable open space is provided in excess of the minimum specified in Table 2, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of open space in excess of the minimum requirements. The minimum requirements shall be calculated based on the aggregate gross floor area allowable due to calculations from all applicable subparagraphs.
4. For a dwelling with an average gross floor area per dwelling unit of more than 1,100 square feet, such excess gross floor area may be allowed in excess of the gross floor<sup>37</sup> area under Table 2. Any gross floor area to be used for offices, for any other nonresidential principal use, or for accessory retail, office, or consumer service uses [Use 8.09] shall not be included in calculating the average gross floor area per dwelling unit.
5. When usable land is deeded or easement granted for public access and use, additional gross floor area may be allowed at the ratio of ten (10) square feet of gross floor area to one (1) square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.
6. When architecturally or historically significant buildings, as documented by the Arlington Historical Commission, are preserved, additional gross floor area may be allowed at the ratio of eight (8) square feet of gross floor area to each square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

## **8.5. HEIGHT REGULATIONS**

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### **8.5.1. Reduced Height Limits in Height Buffer Areas**

- A. When two different maximum height limits are specified for the same zoning district in Table 2, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2 or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

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<sup>37</sup> This makes no sense. We need direction from the Town.



1. Two hundred feet if the direction of land in the R0, R1, R2 or OS district is northerly, between northwest and northeast.
2. One hundred and fifty feet if such direction is easterly, between northeast and southeast, or westerly between northwest and southwest.
3. One hundred feet if such direction is southerly, between southeast and southwest.

#### **8.5.2. Exceptions to Maximum Height Regulations**

The height limitations in Table 2 shall not apply to the following:

- A. Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings;
- B. Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building;
- C. A cable television head end receiving antenna not more than 25 feet higher than the uppermost point on any existing structure within 150 feet; otherwise the height limit shall be established in accordance with a special permit.<sup>38</sup>

#### **8.5.3. Height of Accessory Building and Other Structures in Residential Districts**

Accessory buildings or structures used for accessory purposes in any Residential district shall not exceed a height of<sup>39</sup> 20 feet.

### **8.6. YARD AND SETBACK REGULATIONS**

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#### **8.6.1. Screening and Space Buffers - Industrial and Business Districts and Parking Lots**

Screening and space buffers shall be required in any Industrial (I) or Business (B) district which abuts certain buildable residential lots. The minimum width of this strip shall be as follows:

- A. The strip shall contain a screen of plantings of vertical habit not less than three feet wide and six feet high at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center and they shall thereafter be maintained by the owner or occupants to function effectively as a dense year-round screen. At least 50 percent of the plantings shall consist of evergreens and they shall be evenly spaced.<sup>40</sup> A solid wall or solid wooden fence, five or six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of the landscaped buffer strip; however, the provisions of this section shall not supersede the minimum setbacks for parking lots in Section X.XX [8.12] nor the minimum yard requirements in Table 2. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property

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<sup>38</sup> From which board?

<sup>39</sup> Only certain lots? What is the intent here?

<sup>40</sup> Always? Why?

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owner and **immediate abutters**,<sup>41</sup> and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types, may be substituted for the required wall or fence.

- B. For any area used for the parking of more than five vehicles, screening provisions of Section X.XX [8.12] shall apply.

**8.6.2. Corner Lots and Through Lots**

- A. In the case of a corner lot, any yard parallel to a street shall be considered a front yard for purposes of calculating minimum setbacks.
- B. In the case of a through lot, there shall be a minimum required setback at each end which is equal to the front yard depth for the district in which each street frontage is located.

**8.6.3. Setback of Accessory Buildings and Other Structures**

- A. In the Residential districts, a detached accessory building or structure shall conform to the following minimum setbacks:

<u>District</u>	<u>Distance from lot line (feet)*</u>	
	<u>Front</u>	<u>Side &amp; Rear</u>
R0	25	6
R1	25	6
R2	20	6
R3	10	6
R4	25	6
R5	20	6
R6	20	10
R7	20	10

\*Private detached garages need not conform to side yard and/or rear yard setbacks, but shall be governed by the following table. No garage shall be constructed in the front yard.

	<u>Minimum setback from</u>		
	<u>Side lot line</u>		<u>Rear lot line</u>
Construction Type	Garage located entirely within rear yard	Garage located within side yard	
Type 1 and Type 2 with a Type 3B roof	0	10	None
Type 3	6	10	6

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<sup>41</sup> The immediate abutters have veto power over someone's permit?

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- B. An accessory building attached to the principal building is an integral part thereof and it shall conform to the front, side, and rear yard requirements that apply to the principal building. In R districts, an accessory building with no more than 80 square feet and a height not exceeding seven feet shall be exempt from these requirements. Accessory buildings in the B, MU, and I districts shall be located on the lot so as not to violate the minimum yard, height, and open space requirements in Table 2.
- C. An accessory private swimming pool shall be completely enclosed by a fence that is at least five feet high, measured from the top of the pool, with a self-closing gate and latch. Above-ground pools less than 24 inches deep or with walls four feet or more in height and a removable [missing word?] may be unfenced if approved by the Building Inspector. When applied to accessory private pools, the above table shall apply only to the unnumbered side of a corner lot as a side yard for the purposes of establishing minimum setback requirements.<sup>42</sup> Other accessory structures except fences shall be governed by the regulations for accessory buildings unless specifically exempt by the Board of Appeals as a special permit.
- D. Accessory buildings in the OS district shall be located on the property so as to maintain the harmonious relationship to the neighborhood, and so as not to detract from the primary goal of the open space use.<sup>43</sup>

#### **8.6.4. Projections into Minimum Yards**

The following may extend beyond the minimum yard requirements for the district in which the structure is built:

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area nor<sup>44</sup> more than one story high, which do not project more than 3 1/2 feet beyond the line of the foundation wall.
- B. Enclosed entrances larger than that allowed above<sup>45</sup>, by special permit.<sup>46</sup>
- C. Unenclosed steps, unroofed porches and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall. Unenclosed steps, unroofed porches and the like which do not project more than 10 feet into the required rear yard and are not closer to the lot line than half the size of the required yard.
- D. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

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<sup>42</sup> This sentence is so confusing. We have tried to clean it up but finally gave up!

<sup>43</sup> What does this mean, and how has the Town interpreted and applied it in the past?

<sup>44</sup> "Or" in the existing bylaw. Should it be nor?

<sup>45</sup> What does this refer to?

<sup>46</sup> We could not determine who the special permit granting authority should be. See existing Section 6.19.

#### **8.6.5. Exception to Minimum Front Yard; Average Setback**

Where the required lot frontage of developed residential lots along a block<sup>47</sup> amounts to more than 50 percent of the block frontage, and where said development has an average setback less than that required by this Bylaw, any vacant lot setback for a residential use may be reduced to said average of the existing development.<sup>48</sup>

#### **8.6.6. Minimum Lot Width in R0, R1 and R2 Districts**

In R0, R1 and R2 districts, the minimum lot width<sup>49</sup> shall be 50 feet, except for the following circumstances: (i) to any lot excepted under the provisions of Section X.XX [6.06], or (ii) to restoration of any principal building that existed on a lot or for which a building permit was issued prior to the effective date of this section. Such width shall be measured along lines parallel to the front lot line.

#### **8.6.7. Dimensional Requirements for Courts**

- A. Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard specified in Table 2 shall be provided between the wings, but not less than 25 feet.
- B. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less than the sum of the minimum front and rear yards for the district in which they are located.

#### **8.6.8. Traffic Visibility Across Corners**

Between the property lines of intersecting streets and a line joining points on such lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

#### **8.6.9. Traffic Visibility for Driveways**

A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half (2 1/2) feet in height above the adjacent ground within five (5) feet of the front lot line unless it can be shown that such vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

#### **8.6.10. Accessory Underground Structures**

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<sup>47</sup> Not defined.

<sup>48</sup> This paragraph is very unclear to us – too unclear for me to guess what it means.

<sup>49</sup> Having a good definition of lot width will alleviate a lot of verbiage in this paragraph as it currently exists (and elsewhere in the ZBL).

Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where Landscaped Open Space is required, no underground structure or building shall be located beneath more than fifty (50) percent of the required Landscaped Open Space, nor nearer to any lot line for more than seventy-five (75) percent of the length of that lot line.

#### **8.6.11. End Yards for Town House Structures**

One town house structure shall be separated from the end of another town house structure by a distance not less than **two times the minimum side yard<sup>50</sup>** in Table 2 for the applicable district.

#### **8.6.12. Buildings of Uneven Height or Alignment**

- A. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either  $(H1 + L1)/6$  or  $(H2 + L2)/6$  whichever is greater, where:

H1 = the height of the taller portion of the building;

H2 = the height of the lower portion of the building;

L1 = the length of the taller portion of the building; and

L2 = the entire length of the building.

Where the formula  $10 + L/10$  applies, L shall be defined as L2 above.

- B. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be  $(H + L1)/6$  for the portion of the building nearer the lot line; and  $(H + L2)/6$  for the portion of the building further from the lot line, where:

H = the height of the building;

L1 = the length of the portion of the building nearer the lot line; and

L2 = the entire length of the building.

Where the formula  $10 + (L/10)$  applies, the required yards and setbacks shall be  $10 + (L1/10)$  for the portion of the building nearer the lot line; and  $10 + (L2/10)$  for the portion of the building further from the lot line, with L1 and L2 defined as above.

- C. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

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<sup>50</sup> Excessive?



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1. Where the taller part of the building is nearer to the lot line required yards and setbacks shall be  $(H1 + L1)/6$  for the portion of the building nearer to the lot line; and  $(H2 + L2)/6$  for the portion of the building further from the lot line, where:

H1 = the height of the taller part of the building;

H2 = the height of the lower part of the building;

L1 = the length of the taller part of the building; and

L2 = the entire length of the building.

2. Where the formula  $10 + (L/10)$  applies, required yards and setbacks shall be  $10 + (L1/10)$  for the portion of the building nearer the lot line; and  $10 + (L2/10)$  for the portion of the building further from the lot line, with L1 and L2 defined as above.

3. Where the taller part of the building is further from the lot line, required yards and setbacks shall be  $(H1 + L2)/6$  for the portion of the building further from the lot line; and  $(H2 + L1)/6$  for the portion of the building nearer the lot line, where:

H1 = the height of the taller part of the building;

H2 = the height the lower part of the building;

L1 = the length of the lower part of the building; and

L2 = the length of the entire building.

4. Where the formula  $10 + (L/10)$  applies, the required yards and setbacks shall be  $10 + (L1/10)$  for the portion of the building nearer the lot line; and  $10 + (L2/10)$  for the portion of the building further from the lot line, with L1 and L2 defined as above.

#### **8.6.13. Yards or Setbacks for Lots Adjoining a Street or Public Open Space**

In cases subject to Section X.XX [11.06] Environmental Design Review, the Arlington Redevelopment Board may grant a special permit to adjust the minimum required setbacks in order to account for specific conditions unique to the proposal.

#### **8.6.14. Planned Unit Development Yards and Setbacks**

In a Planned Unit Development, buildings may be built to any street line provided the street exceeds 60 feet in width or the zoning on the opposite side of the street is not R2. In all other areas, buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but not less than 25 feet from all front, side, and rear lot lines.

### **8.7. OPEN SPACE REGULATIONS**

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#### **8.7.1. Upper Story Building Step Backs**

For buildings that exceed three stories in height, an additional 7.5-foot step back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys.

#### **8.7.2. Balconies and Roof as Portion of Usable Open Space**

The Board of Appeals or, in cases subject to Section X.XX [11.06], the Arlington Redevelopment Board may authorize by special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50 percent of the usable open space requirement.

#### **8.7.3. Open Space Regulations for Planned Unit Developments**

The minimum open space regulations for planned unit developments are as follows:

- A. Apartments: 10 percent landscaped, 10 percent usable.
- B. Hotels and motels: 10 percent landscaped.
- C. Retail stores: None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10 percent shall be required.
- D. Office and professional buildings: 10 percent landscaped.



## **SECTION 9. GENERAL REGULATIONS**

### **9.1. OFF STREET PARKING AND LOADING REGULATIONS**

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#### **9.1.1. Purposes and Intent**

Purposes. The purposes of this Section 8.1 are to:

- A. Provide for safe and convenient vehicular parking areas;
- B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;
- C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.

#### **9.1.2. Applicability**

No building or structure shall be used or changed to a category of greater parking demand, determined in accordance with Table 3 below, except in accordance with this Section 8.1.

#### **9.1.3. Administration**

- A. This Section 8.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section 8.1, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section X.XX, Environmental Design Review.”
- B. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in its entirety in the Table of Off-Street Parking Regulations, and the other requirements contained herein.

#### **9.1.4. Table of Off-Street Parking Requirements**

The minimum number of off-street parking and loading spaces shall be as set forth in Table 3. Off-street parking requirements for a use not specifically listed in Table 3 shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

*(Insert Table 3)*

#### **9.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

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The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6 , and Business and Industrial zones to 25 percent of that required in the Table of Off Street Parking Regulations where parking is found to be adequate, and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the special permit granting authority. Methods to reduce parking on site may include but are not limited to:

1. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
2. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements, where alternative parking is within 600 feet of the subject property, as provided in Section 8.06. Off-site parking may be provided in public lots located within 1,000 feet of the building, as provided in Section X.XX [8.11]. Applicant shall document efforts to promote use of off-site parking by customers, residents or employees.
3. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. Transportation Demand Management provides incentives to reduce the use of Single Occupant Vehicles, and encourages the use of public transit, bicycling, walking and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
  - a. Charge for parking on-site;
  - b. Pay a stipend to workers or residents without cars;
  - c. Provide preferential parking for carpooling vehicles;
  - d. Provide a guaranteed emergency ride home;
  - e. Provide transit pass subsidies;
  - f. Provide covered bicycle parking and storage;
  - g. Provide bicycle or car sharing on site;
  - h. Provide showers for business or industrial uses;
  - i. Other means acceptable to the permit granting authority

**9.1.6. Table of Off-Street Loading and Unloading Requirements**

The off-street loading and unloading requirements in Table 4, the Table of Off-Street Loading Regulations, shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the loading requirements, including the size



of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

*(Insert Table 4)*

#### A. Existing Spaces

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership, provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables .

#### B. Computation of Spaces

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

### **9.1.7. Combined Facilities**

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots by the Board of Appeals or Arlington Redevelopment Board, as applicable, where it is evident that such facilities will continue to be available for the several buildings or uses.

### **9.1.8. Location of Parking Spaces**

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment on the same lot, they shall be established no further than 600 feet from the premises to which they are appurtenant, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable. Such spaces may be located out of doors or within a structure designed as a public or private garage. Projects subject to Section X.XX, Environmental Design Review, may provide parking off site within 600 feet where it can be shown that a long-term agreement has been made to secure off site parking.

A. Parking in Residential Districts. For single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front yard setback except on a driveway not exceeding twenty (20) feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than six thousand (6,000) square feet in the longer of the two front yards up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space.

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For single-, two-family or duplex, and three family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway is permitted, unless there is a finding by the special permit granting authority that a second driveway or a driveway that makes more than one intersection with the street, may be added in such manner as to avoid an undue concentration of population, allow adequate provision of transportation, and conserve the value of land and buildings in the vicinity. In no case may a second driveway for a single-, two-family or duplex, or three family dwelling violate any other dimensional or density regulations for the district in which it is located.

For single-, two-family or duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

- B. Parking in Commercial Districts. For properties located in the B1, B2, B2A, B3, B4, and B5 districts, no parking shall be permitted in the front yard, nor shall any driveways directly in front of a structure be permitted without a finding by the ZBA or, in cases subject to Section 11.06, the ARB, that the parking or driveway is necessary and convenient to the public interest.
- C. For Mixed-Use development, the first 3,000 square feet of non-residential space is exempt from parking requirements.
- D. Parking of Commercial Vehicles. The parking of commercial vehicles shall be in accordance with Table 2.

#### **9.1.9. Pavement of Parking Spaces**

Parking areas with five spaces or less shall be surfaced with a permanent material or binder such as bituminous cement, concrete, porous asphalt, pervious concrete, concrete brick, paving stones, grass pavers, bluestone, stone dust, star pack, or similar stable gravel materials, or other material which shall be nonerosive material.

#### **9.1.10. Public Parking Lots**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of space within public parking lots in lieu of parking requirements of this Section 8.1 provided they are located within 1,000 feet of the building to be served.

#### **9.1.11. Location of Loading Spaces**

The loading spaces required for the uses listed in the Table of Off-Street Loading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

#### **9.1.12. Parking and Loading Space Standards**

- A. A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet. Compact car parking spaces permitted in

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accordance with Section X.XX [8.12] shall be at least 8 feet by 16 feet. For parallel parking, a space shall have minimum dimensions of 8 feet by 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length. In residential side yards, the width of a parking space may be the width of the side yard, but in no case less than 7.5 feet.

B. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:

1. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The use of porous asphalt, pervious concrete, paving stones, or grass pavers may also be used to meet this requirement, in whole or part, subject to the approval of the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
2. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
3. Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

*(Insert chart)*

4. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
5. There shall not be any business operation for vehicle repair or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least 25 feet from any lot line.
6. There shall not be any storage of materials or equipment or, with the exception of duly authorized yard sales, display of merchandise within the required parking area.
7. Any portion of any entrance or exit driveway shall not be closer than fifty (50) feet to the curb line of an intersecting street.
8. Any two driveways leading to or from a street, or to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet from the intersection of the lot line with the street right-of-way for a corner lot.

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9. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to forty (40) feet.
  10. In R0, R1, R2, R3, and R4 zones, the Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit to allow the reduction of the parking space requirements to eighty (80) percent of that required in the Table of Off-Street Parking Regulations where conditions unique to the use will reasonably justify such a reduction.
  11. The Board of Appeals or Arlington Redevelopment Board, as applicable may grant a special permit allowing up to 20 percent of the spaces in a parking lot or garage to be sized for compact cars.
- C. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.
1. The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five feet if the setback includes a solid wall or solid wooden fence, five to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required by Section X.XX [6.16(a)]. Where deemed appropriate by property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence.
  2. The area shall be effectively screened with suitable planting or fencing on each side which faces abutting lots used for residential purposes. Such screening shall be within the lot boundaries, and at least five feet and not more than six feet in height. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from said building by a buffer strip of green open space not less than five feet in width and suitably planted.  
  
The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.
  3. Parking shall not be located within the required front yard area in any district.
  4. Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.
  5. Parking areas providing more than 25 spaces shall include landscaped area which is at least 8 percent of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be

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counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet in width.

- D. The standards of Section 8 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:
1. Reasonable alternative measures have been taken to meet the intent of these standards which is to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage;
  2. All landscaped space required by this section is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

**9.1.13. Bicycle Parking**

- A. Bicycle parking spaces shall be provided for any development subject to Section 3.5, Environmental Design Review and any use requiring eight or more vehicle parking spaces in Table 3. The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the Town.
- B. When bicycle parking is required, there will be one bicycle parking space per 15 motor vehicle spaces as required in Table 3. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.
- C. When bicycle parking is required, there will be a minimum of two spaces provided; not more than 20 bicycle spaces will be required at a single site.
- D. A bicycle rack, or bicycle storage fixture or structure shall accommodate a bicycle six feet in length and two feet in width. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.
- E. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.
- F. The following uses are exempt from bicycle parking requirements: places of worship, cemetery, funeral home, automotive repair shop, car wash, or gas station.



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**SECTION 10. SPECIAL REGULATIONS**



## **SECTION 11. SPECIAL DISTRICT REGULATIONS**

### **11.1. FLOODPLAIN DISTRICT**

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#### **11.1.1. Purposes**

The objectives of this District are to promote:

- A. The health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
- B. To prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.
- C. The preservation of the natural flood control characteristics and the water storage capacity of the floodplain.
- D. To protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.
- E. The safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, shortcircuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

#### **11.1.2. Boundaries**

The Floodplain District is superimposed over any other district established by this Bylaw. The 100-year floodplain is defined as the relatively flat lowland which adjoins a watercourse or other body of water and which is subject to seasonal or periodic flooding by the watercourse or water body at a storm frequency of 100 years. Specifically, the Floodplain District includes those areas along the Mill Brook, Alewife Brook, Mystic River, Spy Pond, Arlington Reservoir, and Mystic Lakes which are in the 100-year floodplain as established on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the 100-year floodplain shown on the Middlesex County FIRMs (panel numbers 25017C0412E, 25017C0416E, 25017C0417E, 25017C0418E, and 25017C0419E), dated June 4, 2010, and further defined by the Middlesex County Flood Insurance Report (FIS), dated June 4, 2010. The FIRMs and FIS Report are incorporated herein by reference and are on file with the Town Clerk, Arlington Redevelopment Board, Director of Inspections, and Conservation Commission.

#### **11.1.3. Applicability**

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- A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 9.1 and Section 9.2, G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the Massachusetts State Building Code that addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, 'Flood Resistant Construction and Construction in Coastal Dunes', and shall require a building permit. The extent of the Floodplain District shall be determined by the Building Inspector.
- B. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section 9.1, it shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review."

**11.1.4. Use Regulations**

- A. Prohibited Uses. Mobile homes shall not be permitted at any location in the Floodplain District, and no construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.
- B. Permitted Uses.
  - 1. The following uses are permitted in the Floodplain District:
    - a. The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:
    - b. Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden
    - c. Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question
    - d. Park, playground, or other outdoor recreational facility not conducted as a private business
    - e. Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
    - f. Wildlife management areas,
    - g. Foot, bicycle, or horse paths
  - 2. For single family detached dwellings, two-family dwellings, or duplex houses existing on the effective date of this Section is advertised (August 1975),<sup>51</sup> the expansion of

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<sup>51</sup> Need specific date.



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these (or their accessory) uses to a maximum of 15 percent of the lot coverage existing when this section is enacted, provided that such expansions conform to Section 7 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 9.1 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.

C. Special Permit.

1. The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.
  - a. The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface elevation of the 100-year flood;
  - b. The proposed use shall comply with the regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw (Title V, Article 8).
  - c. Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing at the time of advertisement of this section (August 1975) after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.

- d. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**11.1.5. Procedures**

- A. Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.

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- C. The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.
- D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.
- E. No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.

#### **11.1.6. Areas, Open Space, and Yard Regulations**

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

#### **11.1.7. Exemptions**

- A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.
- B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

#### **11.1.8. Notification of Alteration**

In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:

- Chief Executive Officers in Adjacent Communities
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist

Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

## **11.2. INLAND WETLAND DISTRICT<sup>52</sup>**

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### **11.2.1. Purposes.**

The purpose of this district is:

1. To preserve and protect the streams, water bodies, and other watercourses, including wetlands and marshlands, in the Town of Arlington.
2. To protect the health and safety of persons and property against the hazards of flooding and contamination.
3. To preserve and maintain the groundwater table for potential water supply purposes.
4. To protect the community against the detrimental use and development of lands adjoining such watercourses.
5. To conserve the watershed areas of the Town of Arlington for the health, safety, and welfare of the public.

### **11.2.2. Boundaries**

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds, swamps, and marshes.
- B. All land area along all rivers, brooks, and streams for a horizontal distance of 25 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

### **11.2.3. Applicability**

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<sup>52</sup> Is this district still actively administered?

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- A. Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.
- B. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section 9.2, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review.”

**11.2.4. Use Regulations**

- A. Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section.
- B. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:
  - 1. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose without a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 9.06 of this Bylaw.
  - 2. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited without a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw becomes effective.
  - 3. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses without a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.

**11.2.5. Procedures**

- A. Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or

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until 35 days have elapsed after receipt of such application and plans without submission of a report.

- D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.
- E. No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.

**11.2.6. Development Conditions**

For development in the Inland Wetland District, the following conditions shall apply:

- A. If the lot(s) is to be served by a public sewerage system, the following conditions shall apply:
  - 1. A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
  - 2. The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
  - 3. If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
  - 4. Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. If the lot(s) is to be served by an on-lot septic system, the following conditions including those listed previously shall apply:
  - 1. The leaching area designed for use, as well as a reserved area for future expansion or total future use, shall be plotted with dimensions on the site plan.
  - 2. A minimum of two percolation tests per leaching area shall be performed. The maximum groundwater table shall be determined during the last two weeks of March or the first three weeks of April.

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At least two observation pits at least six (6) feet in depth shall be dug to determine soil profiles. The observation pits may be dug during other times of the year, and shall be accompanied by a detailed report compiled by a soil scientist or qualified engineer.

3. The leaching areas shall not be constructed in areas where the maximum groundwater elevation is less than 4 feet below the bottom of the leaching areas.
- C. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, shortcircuiting, grounding, igniting or electrocuting; obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase stormwater run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.
- D. The Board of Appeals or Arlington Redevelopment Board, as applicable, shall not take final action on an application for a special permit hereunder until it has received a report thereon from the Inspector of Buildings, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable), or until 35 days have elapsed after receipt of such plan without the submission of a report.
- E. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.
- F. Occupancy Permit. No occupancy permit shall be issued until the Inspector of Buildings and the Board of Health, Conservation Commission, Town Engineer, and the Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and until all requirements of all permits are satisfied.

#### **11.2.7. Areas and Yard Regulations**

The portion of any lot within the Inland Wetland District may be used to meet the lot area, open space and yard requirements for the District in which the remainder of the lot is situated.

#### **11.2.8. Exemptions**

Where a proposed use is determined to fall within the limits of the Inland Wetland District, but the applicant for the proposed use determines that the location for his proposed use is not wet or subject to periodic flooding and should not be subject to the Inland Wetland District, the Board of Appeals may exempt the use from the provisions of this section if the applicant provides sufficient evidence for the Board to make a determination.



## **9.2. SIGNS**

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### **9.2.1. Purposes and Intent**

The purposes of this Section 9.2 are to:

- A. Prevent hazards to vehicular and pedestrian traffic;
- B. Prevent conditions which have a blighting influence and contribute to declining property values;
- C. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
- D. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment; and
- E. Maintain public safety, consistent with constitutional requirements protecting freedom of speech.

### **9.2.2. Applicability**

All outdoor signs and window signs are subject to the regulations of this Section 9.2 unless specifically excluded herein. No signs shall be hereinafter constructed, maintained or permitted except in accordance with this Section.

### **9.2.3. Administration**

The Building Inspector shall have authority to issue sign permits under this Section 9.2. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review.”

### **9.2.4. General Regulations**

- A. The provisions of Section 9.24 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 9.25.
  - 1. Any traffic, directional, informational, educational or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of this Bylaw, promotional, informational or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on these signs shall not exceed 3 percent of the sign area.
  - 2. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.

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3. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice and consent of the **Director of Police Services,**<sup>51</sup> such light would create a driving hazard.
4. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations or hospitals, except signs on premises open for business and then only while open for business.
5. All illumination shall be either interior and nonexposed or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including but not limited to incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.
6. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.
7. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product. Such signs shall not exceed one square foot in area.
8. One informational sign up to 4 square feet in area, indicating the existence of, and meeting time and place among other things of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content and location shall be subjects of the special permit. Several such signs of service organizations may be consolidated into one sign in which case the maximum sign area shall be limited to four square feet times the number of organizations listed on the sign.
9. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events at the church, synagogue or similar religious institution.
10. One sign, up to one square foot in area, is allowed per residence indicating the name and address of the occupants therein.
11. One sign is allowed for each of the following in any zone:
  - a. Membership club

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<sup>51</sup> Is this the correct title?

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- b. Community facility
- c. Funeral establishment
- d. Public utility
- e. Place of public assembly
- f. Premises for sale or lease

Provided such signs above shall not exceed six square feet in area and it shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line.

- 12. A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.
- 13. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall be deposited with the Inspector of Buildings the sum of \$20 in cash for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.
- 14. A sign area larger than that specifically allowed in 9.25 is allowed by special permit under Section 9.27.
- 15. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.
- 16. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.
- 17. Notices in compliance with Title V, Article 1 of the Town Bylaws are allowed in any district.

**B. Prohibited Signs**

The following signs shall not be permitted, constructed, erected or maintained.

- 1. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
- 2. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.

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3. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.
4. Any sign which advertises a business no longer in existence, or a product or service no longer sold.
5. Portable signs.
6. Window signs which cover more than 25 percent of the area of the window.
7. Signs for home occupations.<sup>52</sup>
8. Signs, except awning signs, painted or posted directly on the exterior surface of any wall.
9. Signs that obstruct any door, window or fire escape on a building.
10. Signs constructed, erected, or maintained on the roof of any building.
11. Signs which project over a public right-of-way, with the exception of wall signs which may project no more than 12 inches from a building face, and with the further exception of bracket signs in the B3 and B5 zoning districts.
12. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity<sup>53</sup> for sale. In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

C. Permitted Signs

1. In Any R District. One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section X.XX [7.071] not to exceed four square feet in area and if a ground sign, set back not less than one half the depth of the front yard.
2. Bed and Breakfast Signs. A bed and breakfast or a bed and breakfast home in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.
3. Signs Permitted in any B, I or PUD District.
4. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section X.XX and X.XX [7.071 and 7.072], there shall not be more than two permanent signs for any one business or industrial

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<sup>52</sup> Really?

<sup>53</sup> Here and elsewhere in Section 9.2, highlighted text raises concerns about content-based regulation.

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establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.

5. One directory of the tenants of the building affixed at each entrance not exceeding an area determined on the basis of one square foot per tenant.
6. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height.
7. One awning sign for each display window of a store.

**9.2.5. Special Controls by Zoning District**

- A. Signs Permitted in B1, R6, R7 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building except that in R6 and R7 districts, buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than ten percent of the sign area, unless said trademark or commodity is the principal activity conducted therein.
- B. Signs Permitted in Any B2 or T District. One permanent wall sign not to exceed two feet in height or a ground sign not to exceed 20 square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than 10 percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.
- C. Signs Permitted in Any B3, B5 I, or PUD District. One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.
- D. Signs Permitted in Any B3 and B5 District. One sign permitted in Sections X.XX and X.XX [7.06 and 7.073] may be a bracket sign meeting the following dimensional requirements : a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 sq feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.
- E. Signs Permitted in Any B2A or B4 District
  1. One permanent wall sign for each street or parking lot frontage of each establishment not to exceed 40 square feet and to conform to the "wall sign" provisions of Article 7.

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2. One standing sign which does not exceed 24 square feet in lieu of the wall signs permitted in Section X.XX [7.074a]. If a standing sign is provided, there may be one permanent wall sign which does not exceed 20 percent of the area of the standing sign.
3. On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.
4. Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each lot street frontage.
5. At gasoline service stations, one standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.
6. If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than 10 percent of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

F. Signs Permitted in MU Districts

1. One free-standing sign provided such sign is not more than four feet by six feet or 24 square feet in area and the top of the sign is not over 12 feet above the ground.
2. One wall or standing sign for identification of each building provided the surface area of such sign of one side shall not be more than 10 square feet nor, if a standing sign, more than six feet above ground.
3. Directional signs that point out parking lots and specific services provided they are not larger than one foot by three feet and provided the top of the sign is not more than four feet above the ground.

G. Signs Permitted in OS Districts

1. One unlighted permanent freestanding sign for any permitted use, not to exceed four square feet in area and set back not more than 15 feet from the front property line.
2. On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed twenty-four square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3 percent of the area of the kiosk.

**9.2.6. Sign Permits and Maintenance**



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- A. Application for a sign permit to erect, install, place, construct, alter, move, or maintain a sign shall be submitted to the Building Inspector on forms provided by the Building Department.
- B. Upon receipt of a complete application for a sign permit, the Building Inspector shall transmit a copy to the Director of Planning and Community Development for review and comment. The Director shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Building Inspector within 14 days of receipt of the application. Failure to submit a report within the 14-day time period shall constitute no objection to the permit by the Department.
- C. A sign permit shall be issued only if the sign complies or will comply with all applicable provisions of this Bylaw.
- D. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Building Inspector is dangerous or in disrepair, or which is erected or maintained contrary to this Bylaw.

**9.2.7. Special Permits**

- A. Under certain circumstances, the Board of Appeals or Arlington Redevelopment Board, as applicable, may issue a special permit to allow more than the number of signs permitted under this Section 9.2, or signs of a greater size or in a location other than that specified in this Section 9.2 if the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting sign special permit, the Board of Appeals or Arlington Redevelopment Board, as applicable, shall specify the size and location of the sign or signs and impose other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four feet times the linear face of the building front.
- B. Submission requirements and procedures for a sign special permit shall be in accordance with Section 3.4 of this Bylaw and the rules and regulations of Board of Appeals or Arlington Redevelopment Board, as applicable.

**9.2.8. Nonconformance of Accessory Signs**

Accessory signs or other advertising devices legally erected before the adoption of this Bylaw may continue to be maintained, provided, however, that:

- A. No sign or other advertising device shall be permitted if it is, after the adoption of this Bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this Bylaw; and
- B. Any sign or other advertising device that has deteriorated to such an extent that the cost of restoration would exceed 35 percent of the replacement cost of the sign or other advertising device at the time of the restoration, shall not be repaired or rebuilt or altered except to

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conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:

1. Shall have been abandoned;
2. Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at the particular premises; or
3. Shall not have been repaired or properly maintained within 30 days after notice to that effect has been given by the Inspector of Buildings.

**9.2.9. Nonaccessory Signs**

- A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device, except those exempted by G.L. 93, §§ 30 and 32.
- B. No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.
- C. Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.
- D. No nonaccessory signs shall be erected in any R district and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:
  1. On the premises of or within 300 feet of, a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89 665, 805.915 (1966) as amended;
  2. On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;
  3. Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the zoning map of the Town of Arlington;
  4. Within a radius of one hundred 150 feet from the point where the centerlines of two or more public ways intersect;
  5. Exceeding a height of 30 feet measured from the ground surface;

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6. Upon the roof of any building;
  7. Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;
  8. Containing a sign face with a vertical dimension in excess of 12 feet;
  9. Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight feet or a height of four feet;
  10. Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of 25 feet or a height of 12 feet; or
  11. In any event if such billboard, sign or other advertising device shall exceed a length of 50 feet or a height of 12 feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.
- E. No billboard, sign or other advertising device shall be erected, displayed or maintained without a permit from the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from the Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the Board of Selectmen shall hold a public hearing on said application in the town, notice of which shall be given by posting the same in three or more public places in said town at least one week before the date of such hearing. A written statement as to the results thereof shall be forwarded to the Division containing, in the event of a disapproval of such application, the reasons therefor, within 30 days from the date of notice of the town that an application for such a permit had been made.
- F. This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

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## **Town of Arlington, Massachusetts**

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### **Approval of Meeting Minutes from May 15, 2017**

#### **Summary:**

9:10-9:15 p.m.      Approval of Meeting Minutes from May 15, 2017

#### **ATTACHMENTS:**

Type	File Name	Description
▢ Reference Material	DRAFT_ARB_Minutes_05152017.pdf	Draft May 15, 2017 Meeting Minutes

**Arlington Redevelopment Board**  
**May 15, 2017 Minutes**  
**Town Hall Annex, Second Floor Conference Room – 7:00pm**

This meeting was recorded by ACMi.

**PRESENT:** Kin Lau, David Watson, Andrew West, Eugene Benson, Andrew Bunnell

**STAFF:** Jennifer Raitt, Laura Wiener

**GUESTS:** Howard Muise, Chair, Transportation Advisory Committee

Michael Brandon, 277 Pines Ave. Cambridge, MA.

Madeleine Aster, 67 Rice St. Cambridge, MA.

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**Correspondence:** Letter from Jennifer Ryan, President, Arlington Land Trust and Memorandum from the Transportation Advisory Committee

Mr. Bunnell opened the meeting at 7:30p.m. and moved to the first item on the agenda, continued discussion about April 12, 2017 letter from Madeleine Aster, on behalf of Alewife and North Cambridge Neighborhoods, regarding development at 195 & 211 Concord Turnpike in Cambridge. Mr. Bunnell stated that additional information had been received including the abutters list, decision notice and correspondence letter from Jennifer Ryan, President, Arlington Land Trust and a memo from the Transportation Advisory Committee. Laura Wiener, Assistant Director, Planning and Community Development and member of the Transportation Advisory Committee (TAC) stated that a TAC sub-committee had met to review the traffic impact study. Ms. Wiener stated that Howard Muise, Chair, TAC, would be joining the meeting shortly. Mr. Bunnell tabled the remainder of the conversation and public comment until his arrival.

Mr. Bunnell moved to the next item on the agenda Central School Lease of Space: Arlington Center for the Arts. Linda Shoemaker, Executive Director, Arlington Center for the Arts (ACA), informed the Board that an architect had been hired and anticipates project completion in February of 2018. She further updated the Board with Fundraising projections and events. Jennifer Raitt, Director of Planning and Community Development sought approval from the Board to have the Chair, Andrew Bunnell, sign the lease on behalf of the Redevelopment Board.

Mr. Lau made a motion to authorize the chair to sign the lease. Mr. West seconded. All voted in favor (5-0).

Mr. Bunnell moved to the fourth item on the agenda, Approval of Meeting Minutes. The minutes from April 24, 2017 and May 1, 2017 were reviewed.

Mr. West motioned to approve the minutes of April 24, 2017, Mr. Lau seconded. All voted in favor. (5-0).

Mr. Benson moved to approve the minutes of May 1 as amended. Mr. Watson seconded. All voted in favor (4-0). Mr. Bunnell abstained.

Mr. Bunnell moved to the third item on the agenda, Director's Report. Ms. Raitt asked how the Board experienced the online availability of documents and asked their preference for packet delivery. Mr. Lau and Mr. Bunnell suggested hand delivery of large plans and maps and electronic delivery for remaining documentation. She further stated that new application submittal procedures will be discussed at a future meeting. Ms. Raitt noted that the first reading draft of the zoning bylaw was received on April 25<sup>th</sup> and asked all the members to review and comment by May 31, 2017. It was also mentioned that an appropriation of \$55,000 has been provided to fund legal notice for the current zoning recodification process and for additional zoning bylaw amendments.

Howard Muise, Chair, TAC, arrived and Mr. Bunnell re-opened the discussion regarding development at 195 & 211 Concord Turnpike in Cambridge. The Transportation Advisory Committee reviewed the traffic impact study submitted by the Developer and reviewed by the City of Cambridge. They generally agreed that there will be no significant impact



on traffic in Arlington. One concern is the crossing at Steel Place near Alewife Station is a chokepoint. However, there does not appear to be any practical way to improve it.

Michael Brandon of 277 Pines Ave., Cambridge, sought an appeal from the Board based on his concern with Cambridge Planning Board's notification process. He further expressed concern for flooding and traffic impacts. Madeleine Aster of 67 Rice Street in Cambridge spoke, and noted that according to the developer's 2021 build analysis, the area is already over capacity. Steve Revilak of 111 Sunnyside Ave. supported the proposed flood mitigation. Janette Cummings of 32 Dorothy Rd. felt that the project would increase traffic flow and flooding in her East Arlington neighborhood.

Gene Benson stated he thought there would be more traffic from the project, and an impact on those using Alewife Station, but he is not sure there is anything that can be mitigated. Andy West asked, can we make a statement to Cambridge that we want to be notified of monitoring efforts and results? David Watson also said the Town should receive monitoring reports and be kept in the loop. Gene Benson asked if the TAC memo could be modified to ask for Arlington to have some input in the process going forward, and requested the possibility of changes regarding Steel Place. Can the pedestrian crossing be moved east on Steel Place, away from the intersection? Andrew requested that TAC update the memo to reflect ARB concerns. Ms. Raitt suggested making contact with the City of Cambridge Planning Board and noted that the City of Cambridge is in the midst of creating their master plan and suggested this as a potential venue to voice concerns. It was decided that Ms. Raitt would write a letter to the Cambridge Planning Board addressing the Board's concerns with the proposed project.

Mr. Lau moved to adjourn the meeting. Mr. West seconded. All voted in favor (5-0).